

Zoning Ordinance

Moncks Corner, South Carolina

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Ordinance No. 2012-_____
Town of Moncks Corner Zoning Ordinance

AN ORDINANCE TO ADOPT A NEW ZONING ORDINANCE FOR THE TOWN OF MONCK'S CORNER AND TO REPEAL ORDINANCE NO. 1994-03 AND ALL AMENDMENTS ADOPTED THEREAFTER PERTAINING TO THE ZONING ORDINANCE AND PRIOR THE ADOPTION OF THIS ORDINANCE.

WHEREAS, the Moncks Corner Planning Commission has prepared a revised zoning ordinance for Moncks Corner and recommended it be adopted by the Mayor and Council; and

WHEREAS, the required public hearing was duly advertised and held on October 16, 2012; and

WHEREAS, The Mayor and Council finds adoption of this ordinance to be in the public interest for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; and

WHEREAS, the "Comprehensive Plan, Moncks Corner, 2012" containing the prerequisite Land Use Element required by law as adopted by the Mayor and Council on November 20, 2012.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MONCK'S CORNER AS FOLLOWS:

**ARTICLE ONE
AUTHORITY, ENACTMENT, AND JURISDICTION**

SECTION 1-1 – AUTHORITY

This Ordinance is adopted under authority of the "South Carolina Local Government Comprehensive Planning Enabling Act of 1994," Act_____ of the 1994 General Assembly.

SECTION 1-2 – PURPOSES

The purposes of this ordinance include but are not limited to:

- (1) to provide for adequate light, air, and open space;
- (2) to prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
- (3) to facilitate the creation of a convenient, attractive, and harmonious community;
- (4) to protect and preserve scenic, historic, or ecologically sensitive areas;
- (5) to regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
- (6) to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements. "Other public requirements" which the

- local governing body intends to address by a particular ordinance or action must be specified in the preamble or some other part of the ordinance or action.;
- (7) to secure safety from fire, flood, and other dangers; and
 - (8) to guide the use of land in such a way as to promote the Comprehensive Plan.

SECTION 1-3 – TITLE

This ordinance shall be known and may be cited as the “Moncks Corner Zoning Ordinance, 2012.”

SECTION 1-4 – JURISDICTION

The regulations set forth herein shall apply to all land and improvements thereon within the Town limits of Moncks Corner, South Carolina.

ARTICLE TWO DEFINITIONS AND INTERPRETATIONS OF WORDS AND PHRASES

SECTION 2-1 – INTERPRETATION OF CERTAIN WORDS AND PHRASES

- 1. Words to Have Customary Meanings. The words and phrases used in this ordinance shall have their customary meanings, or as defined in a standard dictionary, except for the specific words and phrases as defined below.
- 2. Tense. The present tense includes the future tense.
- 3. Number. The singular number includes the plural number and the plural number includes the singular number.
- 4. Person. The word “person” includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as person.
- 5. Shall and May. The word “shall” is mandatory; the word “may” is permissive.
- 6. Used or Occupied. The word “used” or “occupied” includes the words “intended, designed or arranged to be used or occupied.”
- 7. Lot. The word “lot” includes the words ‘plot or parcel.’
- 8. Structure. Anything built or constructed including buildings intended for support or shelter of any use or occupancy. The word “structure” includes the word “building.”
- 9. Interpretation of “contiguous” as applied to lots or districts. The word “contiguous” as applied to lots or districts shall be interpreted as meaning “sharing a common boundary of 10 or more feet in length.”
- 10. Interpretation of “on the premises of”. The phrase “on the premises of,” as applied to accessory uses or structures shall be interpreted to mean “on the same lot.”

SECTION 2-2 – DEFINITIONS

- 1. Accessory Building or Use. An accessory building or use is: (a) subordinate to and serves a principal building or principal use; (b) subordinate in area, extent, or purpose to the principal building or principal use served; and (d) located on the same lot as the principal building or principal use served, with the exception of such accessory off-street facilities as are permitted to locate elsewhere than on the same lot with building or use served. Accessory uses shall

- include, but not limited to: barns, sheds, home tennis courts, swimming pools, boat houses, docks, automobile garages, decks, patios, and private recreation areas.
2. Alley. A minor right-of-way used intended to be used, to include but not limited in use, primarily for vehicular and/or pedestrian service access to the rear or side of properties otherwise abutting a street.
 3. Antenna. Any device for radiating or receiving electromagnetic radiation. This definition shall specifically include, but is not limited to, all radio, television, microwave, and satellite dish antennas.
 4. Apartment. A part of a building consisting of a room or rooms intended, designed, or used as residence.
 5. Automobile Graveyard. Shall mean any establishment, which is maintained or used for storing, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.
 6. Boarding House. (See Rooming House definition)
 7. Buffer or Buffer Yard. A landscape and/or fenced area intended to physically separate unlike uses and screen light, noise, and visual intrusion onto adjacent lots.
 8. Building. See structure.
 9. Community Residential Care Facility. A “community residential care facility” includes any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and a degree of personal assistance in feeding, dressing, or other essential daily living activities to two or more individuals not related to the administrator or owner of the facility within the third degree of consanguinity. These individuals, by reason of age, or physical or mental infirmity are unable to care sufficiently or properly for themselves or manage their own affairs but do not require the daily services of a registered or licensed practical nurse. A community residential care facility includes any chemical abuse residential treatment facility such as a half-way house or other facilities providing inpatient or detoxification services. These facilities are also regulated by State agencies and must meet those regulations.
 10. Day Care. The care, supervision or guidance of a person or persons, unaccompanied by the parent, guardian or custodian, on a regular basis, for periods of less than twenty-four hours per day in a place other than the person or persons, own home or homes.
 11. Day Care Facility. Any state licensed, registered or approved facility which provides care, supervision or guidance for any person who is not related by blood, marriage or adoption to the owner or operator of such a facility whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. This definition includes, but is not limited to Day Nurseries, Nursery Schools, Kindergartens, Day Care Centers, Group Day Care Homes, and Family Day Care Homes. The term does not include:
 - a. any education facility, whether private or public, which operates solely for education purposes in grades one or above;
 - b. facilities operated in connection with a shopping center, industrial or office building or other service facility, where the same children are cared for while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available;
 - c. summer resident or day camps;
 - d. Bible schools normally conducted during vacation periods.

12. Dormitory. A building or part of a building operated by an academic institution containing a room or rooms forming one (1) or more habitable units which are used or intended to be used by residents of the institution for living and sleeping limited to the individuals tenure at the institution.
13. Drinking Place. An establishment engaged in the retail sale of alcoholic beverages for consumption purposes.
14. Dwelling. Any building designed, occupied or intended for human occupancy not to include hotel, motel, rooming house, hospital or other accommodation used more or less for transient occupancy.
15. Dwelling Unit. Any dwelling designed, occupied or intended for.
16. Dwelling Unit, Single Family Detached. A building containing not more than one (1) dwelling unit, not physically attached to any other principal structure, and especially excluding mobile homes.
17. Dwelling Unit, Single Family Attached. A building designed for and occupied exclusively as a residence by one family, being attached by means of a common dividing side wall or walls to one or more buildings likewise designed for and occupied as a residence for one family. A single dwelling unit occupies each structure from ground to roof and independent access is available for each unit from the outside. Such attached one-family dwellings are commonly referred to as "town," "patio," "common zero lot line," or "cluster" houses.
18. Dwelling unit, Townhouse. One of a series of two or more attached one family dwelling units on separate lots which (a) may or may not have a common roof; (b) share a common exterior wall; (c) are separated from each other by a fire resistive party wall portions extending at least from the lowest floor level to the roof.
19. Dwelling unit, Two Family Detached. A building, commonly known as a duplex, containing no more or no less than two (2) dwelling units, not physically attached to any other principal structure.
20. Dwelling unit Multi-Family. A building containing two (2) or more dwelling units, with each unit having a common structural wall with another dwelling unit. The term "multi-family dwelling" shall be understood to include apartments, tenements, condominiums, cooperatives, and similar types of structures.
21. Family. An individual; or two or more persons related by blood or marriage living together; or a group of individuals, of not more than (4) persons, not related by blood or marriage but living together as a single housekeeping unit.
22. Flood. A general and temporary condition of partial or complete inundation of normally dry land from: (1) the overflow of inland or tidal waters. (2) the unusual and rapid accumulation of runoff of surface waters from any source.
23. Floodplain. Those areas subject to periodic inundation by large floods which occur with calculable flood frequency and subject to flooding which may reasonably be expected to cause damage or hazard or damage sufficient to justify protection there from. The boundaries of such areas are generally lateral to the boundaries of floodway areas or to the drainage course along which they are located.
24. Floodway. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
25. Flood Frequency. The average length of time between flood occurrence, statistically determined, for which it is expected that a specific flood level will be equaled or exceeded.

26. Flood (Base Flood). The flood having a 1-percent chance of being equaled or exceeded in any given year.
27. Flood (Base Flood Elevation). The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).
28. Gross Floor Area. The total horizontal area of all floors of a building, including exterior balconies and mezzanines, measured from the interior faces of the exterior walls of a building.
29. Group Commercial or Industrial Developments. A single lot containing one or more buildings used for commercial or industrial purposes which individually or collectively contain a gross floor area of 50,000 square feet or more.
30. Group Housing Development. Two or more separate dwellings or three or more dwelling units located on a single lot. Group housing developments include triplexes, quadraplexes, townhouses, apartments, and other similar structures.
31. Home Occupation. An occupation, profession, or trade customarily, and commonly, carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit.
32. Hotel. A building or part thereof, in which sleeping accommodations are offered to the public, in which there is a public room for the convenience of the guests.
 - a. Hotel; Bed and Breakfast. Any owner occupied building or portion thereof offering transient lodging accommodations and breakfast to a unit consisting of not more than three (3) rooms where rent is paid.
 - b. Hotel, Suite. Any commercially owned and operated facility or portion thereof offering transient lodging accommodations. The units may be designed to include complete cooking and eating facilities. A complimentary meal may or may not be furnished as part of the rental agreement.
33. Junk. Shall mean old scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other scrap ferrous or nonferrous material.
34. Junk, Salvage, Scrap, or Wrecking Yards. Any use involving storage or processing of inoperable, unused, dismantled, or wrecked vehicles, equipment, garbage dumps, sanitary fill or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials to be used for storing, buying or selling.
35. Lot. An area of land clearly defined by plat or by meets and bounds description duly recorded with the Register of Deeds of Berkeley County.
36. Lot Depth. The distance from the street frontage to the lot line opposite the street frontage, determined by the measurement from the center of the street frontage to the opposite property line.
37. Lot, Frontage. The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided upon that basis. The phrase "street frontage" shall be interpreted to have the same meaning as the phrase "lot frontage."
38. Lot, Corner. A lot having at least two adjacent sides that abut for their full length upon streets. Both such lot lines shall be considered front lot lines.
39. Lot, Interior. A lot other than a corner lot, with only (1) frontage on a street.

40. Lot Reversed Frontage. A lot which is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner or an interior lot or, rarely, a through lot.
41. Lot, Through. A lot other than a corner lot with frontage on more than one (1) street other than an alley. Through lots with frontage on two (2) streets may be referred to as double frontage lots.
43. Lot Width. The distance between straight lines connecting front and rear lots at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width; in the case of lots fronting on a cul-de-sac, the width between lines at their foremost points shall not be less than 20 feet.
44. Mini-Warehouse. A building or group of buildings in a controlled access and fenced compound that contains individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers' goods or wares.
45. Mobile Home. A movable or portable dwelling unit over 32 feet in length and over eight (8) feet in width, constructed to be towed on its own chassis, designated without a permanent foundation, capable of supporting year-round occupancy, which may include one (1) or more components that can be retracted for towing purposes and subsequently expended or which may consist of two (2) or more units separately tow able but designed to be joined into one (1) integral unit. The term "mobile home" as used in this ordinance includes manufactured housing but not include prefabricated, modular, or unitized dwellings placed on permanent foundations, nor shall it include travel trailers, campers, or similar units designed for recreation or other short term uses.
46. Mobile Home Park. A lot used, designed, or intended to be used for the purpose of supplying parking space for two (2) or more occupied mobile homes and may includes building, structures, vehicles, or enclosures used or intended to be used as part of that mobile home park. Sales or storage lots for unoccupied mobile homes are not considered to be mobile home parks.
47. Modular Unit. A structure consisting of two (2) or more prefabricated components which is designed to be placed on a permanent foundation at the site and is not readily relocated. The components generally arrive at the site complete except for, exterior siding, furniture, plumbing and electrical fixtures. Modular units shall be considered buildings and shall conform to the regulations for site built units in the International Codes.
48. Motel. A commercial establishment offering lodging and automobile parking for transient travelers which has individual entrances from outside the building to serve the separate units.
49. Nonconforming. A term applied to lots, structures, uses of land or structures, and characteristics of use of land or structures which were lawful before the passage or amendment of this ordinance, but which are prohibited by this ordinance or which are not in compliance with the requirements of this ordinance.
50. Park. An area or facility intended to be used for recreation, exercise, sports, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty.
51. Parking Space, Off-street. An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or un-parked therein without moving any other automobile.
52. Principal Structure. A structure (or building) having significant or primary use in justifying its own utilization (such as a dwelling or office building) as contrasted to accessory structures

which are incidental or subordinate to primary structures and do not alone justify their utilization (such as a tool shed or auto garage used in conjunction with a dwelling). Certain structures may be either principal or accessory depending upon the utilization, such as parking garage as an accessory structure to an office building or as a principal structure when operated commercially in a business area.

53. Principal Use. The significant or primary activity carried out within a structure or upon land (such as retail sales within a store or occupancy of a dwelling unit as a residence) as contrasted to accessory uses which are incidental or subordinate to primary uses (such as sale of soft drinks at an automobile service station). Certain uses may be either principal or accessory, depending on their relationship with other uses, as for example a newsstand as an accessory use within a hotel lobby or as a principal use within a separate structure.
54. Restaurant. A place of business where food drinks or refreshments are prepared and sold to customers primarily for consumption on the premises. This term shall include but not be limited to an establishment known as a café, lunch counter, cafeteria, eating and drinking establishment or other similar business, but shall not include a fast food restaurant. In a restaurant any facilities for carryout shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises.
55. Restaurant, Fast Food. A place of business devoted to the retail sale of ready to consume food or beverages for consumption on or off the premises. A restaurant will be considered a fast food restaurant if it exhibits any of the following characteristics:
 - a. There is a space for facilities allocated and used for carry-out service, or for carry-out and customer self-service for on-premises consumption combined;
 - b. Most food items are already prepared or packaged before a customer places an order; and
 - c. The establishment primarily serves its food and beverages in disposable tableware.This definition does not include an establishment known as a retail grocery store, convenience store, delicatessen or other business selling food or beverage as an accessory use or for off-premises preparation and consumption.
56. Rooming and Boarding Houses. Any dwelling, other than a hotel or motel where people are housed or lodged in rooms used or intended to be used for living and sleeping but not for cooking or eating purposes, for compensation, with or without meals being provided. Any dwelling in which such accommodations are offered in 10 or more rooms shall be considered a hotel or motel.
57. Setback Line. The setback line is the same as the depth or width of any required yard. Note that such line defines the minimum distance between any structure and adjacent lot boundary.
58. Sign. Any device designed to inform or attract as defined in the sign regulation section of this ordinance.
59. Structure. Anything constructed or erected, as an improvement to real property, the use of which requires location on the ground, or attachment to something having location on the ground.
60. Street. A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.
61. Travel or Camping Vehicle. A vehicular portable structure designed as a temporary dwelling for travel or recreational use, not exceeding 35 feet in length.
62. Yard. A required open space unoccupied and unobstructed by any structure or portion thereof from a height of 48 inches above the finished level of the ground.

63. Yard, Front. A yard extending between side lot lines across the front of a lot, and measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without that rounding. Front and rear lines of a required front yard shall be parallel.
64. Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, measured at right angles to a straight line joining the ends of the front and rear lot lines on the same side of the lot. The inner side yard line of the required side yard shall be parallel to the straight line so established. In the case of through lots, side yards shall extend from the rear lines of the required front yards. In the case of corner lots, the yards remaining after full and half depth front yards have been established shall be considered to be side yards.
65. Yard, Rear. A yard extending across the rear of the lot between the inner side yard lines, measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

ARTICLE THREE ESTABLISHMENT OF DISTRICTS AND ZONING MAP

SECTIONS 3-1 – DISTRICT BOUNDARIES ESTABLISHED BY ZONING MAP

The boundaries of the zoning districts established by this ordinance are hereby established on a map entitled “Zoning Map Moncks Corner, South Carolina,” which map is declared to be a part of this ordinance.

SECTIONS 3-2 – MAINTENANCE OF OFFICIAL COPY OF ZONING MAP

At least one (1) official copy of the zoning map shall be maintained in the office of the Zoning Administrator, upon which shall be recorded, after the passage thereof, every amendment to this ordinance which affects a change in any zoning district boundary. The official copy of the zoning map shall be attested by the Town Clerk, and shall be available at all times for inspection by the general public.

SECTION 3-3 – ZONING MAPS OTHER THAN OFFICIAL COPY

The Zoning Administrator may distribute copies of the zoning map to the general public for reference purposes. However, the official copy of the zoning map maintained at the Berkeley County GIS office. Official records of the Town Clerk regarding actions of the Town Council to amend district boundaries shall constitute the only official description of the location of the zoning district boundaries, and persons having recourse to this ordinance for any purpose are hereby so notified.

SECTION 3-4 – INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any zoning district, the following general rules of interpretation shall apply. It is the duty of the zoning administrator to interpret the location of zoning district boundaries. An appeal from an interpretation or finding of the zoning administrator may be taken to the zoning board of appeals.

1. District boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow those centerlines.
2. District boundaries indicated, as approximately following platted lot lines shall be construed as following those lot lines.
3. District boundaries indicated, as approximately following city limits shall be construed as following city limits.
4. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. District boundaries indicated as following centerlines of streambeds or other bodies of water shall be construed to follow those centerlines.
6. District boundaries indicated as approximately parallel to or extensions of features indicated in subsections above shall be so construed and at that distance there from as indicated on the official copy of the zoning map. Distances not specifically indicated on the official copy of the zoning map, shall be determined by the scale of the map.

SECTION 3-5 – ERECTION OF BUILDINGS ON LOTS SPLIT BY ZONING DISTRICT BOUNDARY LINE

No structures or accessory uses shall hereafter be erected, constructed, altered or have a change in use where the structure or accessory use is or would be included within two or more zoning districts unless such structures or uses conform to the requirements of both zoning districts.

ARTICLE FOUR APPLICATION REGULATIONS

SECTION 4-1 – REGULATIONS REGUARDED AS MINIMUM

Within each district, the regulations set forth by this ordinance shall apply uniformly to each class or kind of structure or land. In their interpretation and application, the provisions of this ordinance shall be held to minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Unless deed restrictions, covenants, or other contracts directly involve the city as a party in interest, the city shall have no administrative responsibility for enforcing such deed restrictions or covenants.

SECTION 4-2 – ZONING AFFECTS ALL LANDS, BUILDINGS AND STRUCTURES

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the regulations specified in this ordinance for the district in which it is located.

SECTION 4-3 – ZONING AFFECTS HEIGHT OF BUILDINGS AND/OR STRUCTURES, POPULATION DENSITY, LOT COVERAGE, YARDS, AND OPEN SPACES

No building or other structure shall hereafter be erected or altered in violation of the provisions of the ordinance:

- (1) to exceed the height;
- (2) to accommodate or house a greater number of families;
- (3) to occupy a greater percentage of lot area; and/or
- (4) to leave narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.

**SECTION 4-4 – YARD OR OPEN SPACE, OFF-STREET PARKING OR LOADING SPACE
REQUIREMENTS FOR ONE (1) BUILDING NOT TO BE INCLUDED AS SUCH
REQUIREMENTS FOR ANY OTHER BUILDING**

No part of a yard, or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall not be allowed to use the open space or parking requirements of other properties. Shared parking, however, may be permitted in accordance with Section 7.

SECTION 4-5 – REDUCTION OF LOT AREA PROHIBITED

No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations.

**ARTICLE FIVE
GENERAL REGULATIONS**

SECTION 5-1 – NONCONFORMING USES

Within the districts established by this ordinance, or by amendments which may later be adopted, there exists lots, structures, uses of land structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited or regulated and restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is the further intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**SECTION 5-2 – CONTINUANCE OF NONCONFORMING USES, STRUCTURES, OR
CHARACTERISTICS OF USE**

1. Change to Another Nonconforming Use. A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure, or characteristic of use unless the zoning board of appeals finds that the new use, structure, or characteristic of use is more in character with the uses permitted in the district, in which case the zoning board of appeals may permit such change as a special exception. In permitting the change, the zoning board of appeals may require appropriate conditions and safeguards in accord with the purpose of this ordinance.

2. Conversion of Use on Nonconforming Lots. The minimum yard requirements of this ordinance shall not be construed as prohibiting the conversions of an existing building, which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards.
3. Reconstruction. A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure.
4. Extension or Enlargement. A nonconforming use, structure or characteristic of use shall not be extended, enlarged, or intensified except in conformity with this ordinance, provided however, that any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside that building.
5. Reestablishment. A nonconforming use, structure or characteristic of use, shall not be reestablished after vacancy, abandonment, or discontinuance of any period of 90 days, except where subsection 6 below, applies. When a nonconforming use has been replaced by a conforming use, the nonconforming use may not be reestablished at any time. To include but not limited to automobile graveyards, junkyards and scrap processors. In the event of voluntary discontinuance and/or abandonment of properties on which there exists a nonconforming land use prior to the expiration of the notice period in the preceding paragraph, the Zoning Administrator may provide supplemental notice to the nonconforming user that such nonconforming use shall not be revived and that the same shall cease to exist. For the purposes of this subsection, voluntary discontinuance or abandonment shall have occurred when no new commercial activity has been engaged on the premises for a period of thirty (30) calendar days. In all other cases of these specifications, nonconforming uses whereby the commercial activity has not been abandoned, the Administrator is required to establish rules and regulations to be reviewed by Council which will cause those property owners expense obscuring structure and appropriate landscaping. The Administrator will develop regulations enforcing zoning issues that apply to nonconforming uses and the obscuring and beautification of the same. Council will have ultimate authority and may allow a nonconforming use if it would benefit the needs of the community
6. Reconstruction after Damage. An existing, nonconforming structure may be rebuilt, altered, or repaired after sustaining damage exceeding 75 percent of the appraised market value of the structure for tax purposes at the time of damage, provided that any permitted reconstruction shall begin within three (3) months from the time of damage and shall be completed within twelve (12) months after the issuance of a building permit.

SECTION 5-3 – REPAIR OR MAINTENANCE OF NONCONFORMING STRUCTURES

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

SECTION 5-4 – NONCONFORMING LOTS OF RECORD

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record. This provision shall apply even if the lot fails to meet the requirements

for area or width, or both, that are generally applicable in the district. The building will be required to meet all of the other requirements for construction in that zoning district

SECTION 5-5 – TEMPORARY NONCONFORMING USES

A temporary use permit may be issued by the zoning administrator for an appropriate period of time not to exceed 3 month increments for nonconforming buildings, structure or use incidental to building construction or land development or deemed to be generally beneficial, provided that the owner of that temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit.

SECTION 5-6 – ANNEXATION

Three methods of annexation of privately owned property are authorized.

1. 100 percent freeholder petition and ordinance method [§ 5-3-150(3)]
2. 75 percent freeholder petition and ordinance method [§ 5-3-150(1)]
3. 25 percent elector petition and election method [§ 5-3-300 - 315]

Property owners sign an annexation petition and submit it to the town via mail, email, fax or delivery. The petition for annexation is presented for approval at two separate town council meetings. Upon final reading, the property is officially within the town limits of Moncks Corner and town services will begin. The Clerk of Council's Office will notify all public service providers of the annexation.

For property annexed by ordinance, the zoning district classification shall be designated as follows:

- a. The Town Council will assign the property a zoning. This zoning may correspond to the zoning that the property had in Berkeley County but will be in accordance with the Comprehensive Plan for the Town.
- b. Immediately after the effective date of such annexation, the Zoning Administrator shall initiate zoning amendment procedures to establish or confirm the appropriate zoning classification for the annexed area.
- c. If the property owner desires a different zoning designation, an application for rezoning can be made and the process specified in S.C. Code § 6-29-760 for rezoning and set forth in Article Eleven of this zoning ordinance shall be followed.
- d. A petitioner may withdraw the petition prior to adoption of the ordinance.
- e. If the applicant desires a zoning designation that is not consistent with the surrounding lots, the application for annexation must first be considered by the Planning Commission

SECTION 5-7 – BUILDING AND LOTS TO HAVE ACCESS

Every building hereafter erected or structurally altered shall be on a lot adjoining a public street. No private access or driveway shall be provided to commercial or industrial districts through any residential district established by this ordinance. Also, no private access shall be provided to a multi-family residential development through a single-family residential district.

SECTION 5-8 – ERECTION OF STRUCTURES ONLY UPON LOTS OF RECORD

Any new structure erected after the effective date of this ordinance shall be erected only upon a lot of record.

ARTICLE SIX DISTRICT DESCRIPTIONS

SECTION 6-1 – PURPOSE OF DIVIDING THE TOWN INTO DISTRICTS

For the purpose of promoting the health, safety, morals and general welfare of Moncks Corner, and for other purposes as enumerated, Moncks Corner is hereby divided into districts as enumerated in this article within which are regulated and restricted the erection, construction, reconstruction, alteration, repair or use of buildings and of the structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

These regulations have been made with reasonable consideration of, among other things, the character of each district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout the municipality.

The regulations of this article shall apply uniformly to each class or kind of structure land located within any of the following district classifications respectively:

1. R-1 Single-Family Residential District
2. R-2 Single-Family Residential District
3. R-3 General Residential District
4. MH-1 Mobile Home Parks
5. MH-2 Mobile Home Subdivision
6. AG Agricultural District
7. C-1 Office and Institutional District
8. C-2 General Commercial District
9. M-1 Light Industrial District
10. M-2 Industrial Park
11. PUD Planned Unit Development
12. AP Airport Height Restrictive Area
13. FW Floodway Area
14. FP Flood Plain Area
15. TD Transitional District

Note – Designations for –AP, –FW, and –FP are overlay districts and intended as supplements to regulations within the various other districts.

SECTION 6-2 – R-1, R-2 SINGLE FAMILY RESIDENTIAL DISTRICTS

These districts are intended as single-family residential areas with detached units with low to medium population densities. Use regulations for the single family districts are identical, but contain two (2) classes of lot width and lot area, and these dimensional differences are intended to be preserved. Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational and other needs of those areas are permitted outright within such districts or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the single family residential character of the district.

Permitted Uses: A building or premises in the R-1 or R-2 district may be used for the following purposes:

1. One-family detached dwellings
2. Guest cottages, garage apartments
3. Public Parks, playgrounds, schools
4. Churches and cemeteries

Accessory Uses:

1. Noncommercial garages and carports
2. Fences
3. Private Swimming pools
4. Outdoor barbecue structures
5. Storage buildings, workshops and playhouses
6. Animal shelters for domestic pets
7. Gardening and Agricultural uses incidental to residential uses
8. Uses customarily incidental to the operation of a church, including, but not limited to recreation facilities and buildings, educational buildings, parsonage facilities and parking areas.

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-3 – R-3, GENERAL RESIDENTIAL DISTRICT

This district is intended to support medium- and high-density residential uses, permitting progressively higher population densities, characterized by single family detached, two-family detached, multiple family structures, and garden type apartments subject to the requirements set forth in this ordinance. Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational and other needs of the area are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the residential character of the district. (Amend. Oct-2015)

In order to promote the general welfare of the city through the appropriate use of lots and areas in zone districts designated R-3 by the construction therein of one family attached dwellings, known as townhouses, it is provided that such structures may be erected within such boundaries, subject to the following standards and regulations.

1. Schedule of standards and regulations, one family attached dwellings, townhouses:
 - a. Height Limitations: Thirty-five (35) feet.
 - b. Lot Width Requirements. Eighteen (18) feet minimum (where side yards are hereinafter required, the minimum lot width shall be increased accordingly).
 - c. Front Yard Depth. Zero if parking is provided in rear or common area. Twenty (20) feet if parking is provided underneath the structure or in the front yard.
 - d. Side Yard Width. A side yard at least five (5) feet in width shall be provided between the end units of a row and a side lot line; provided, however that when the side lot line is a street line or driveway, the side yard adjacent to such street shall be at least (10) feet wide.
 - e. Rear Yard Depth. Minimum shall be ten (10) feet, however when required vehicular parking space is provided in rear yard, minimum rear yard depth shall be thirty-five (35) feet, provided that no rear yard shall be required for simultaneously constructed units abutting at the rear and sharing for their full width a common, non-bearing wall, which complies with the building code.
 - f. Lot Area Per Family, Minimum Requirements. One thousand five hundred (1,500) square feet.
 - g. Percent of Lot Occupancy. Not more than fifty (50) percent of lot shall be occupied by principal buildings.
 - h. The partition wall and walls between such structures shall comply with the requirements of the building code. The minimum height of such wall shall be eight (8) feet.
 - i. No more than six (6) such dwellings shall be constructed or attached together in a continuous row, and no such row shall exceed two hundred (200) feet in length.
 - j. Rear yards of such dwelling except that portion used for automobile parking and driveways shall be of brick, masonry, or other similar materials.
 - k. All yard areas used for the drying of clothes shall be screened from view from the street and from adjoining yards and lots.
 - l. Parking spaces shall be provided for at least two (2) automobiles for each such dwelling, either on the premises or in a community parking lot or garage the title to which and/or the easement for the use of which runs with and/or is appurtenant to the title to such dwelling.
 - m. All common driveways, parking areas, open spaces or other amenities shall have provision for perpetual maintenance by the participating property owners.
2. Accessory Buildings. In addition to a carport or a garage, an accessory building shall be permitted in the rear yard provided it does not exceed one hundred (100) square feet in gross floor area and twelve (12) feet in height, and any such accessory buildings shall be constructed of materials similar to or in keeping with the principal building.
3. Screening walls and fences may be permitted in a required yard upon determination of the Zoning Administrator that the fence or wall:

- a. Does not impede site vision clearance for driveways or streets; and
 - b. Does not include gates that swing outward into sidewalks or public right-of-ways. A fence or wall not over seven (7) feet in height is permitted outright in side or rear yards, provided no wall or fence in excess of five (5) feet is permitted within six (6) feet of residential structure on adjacent property;
4. Eaves, cornices, gutters, and other minor architectural features projecting less than 18 inches from the main portion of a building shall be allowed to project into any yard;

Permitted Uses: A building or premises in the R-3 district may be used for the following purposes:

1. All uses allowed in R-1 or R-2 within the requirements of each district.
2. Bed & Breakfast, room and boarding house, group dwellings
3. Daycare, residential, nursing, and personal care facilities.
4. Library and information centers
5. Fire stations
6. Electric substations
7. Public golf course
8. Coin operated laundries and dry cleaning

Special Exception Uses: The following uses may be developed in the R-3 zoning district subject to approval of a special exception pursuant to the criteria and provisions enumerated in Section 11-2.

1. Multi-family dwellings, including apartment complexes, single family attached (i.e. townhouses), tow-family dwellings (duplexes), garden apartments, patio homes, and the like. (*Amend 10/2015*)

Accessory Uses:

1. Noncommercial garages and carports
2. Fences
3. Private swimming pools
4. Outdoor barbecue structures
5. Storage buildings, workshops and playhouses
6. Animal shelters for domestic pets
7. Gardening and agricultural uses incidental to residential uses
8. Uses customarily incidental to the operation of a church, including, but not limited to recreation facilities and buildings, educational building, parsonage facilities, and parking areas.

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-4 – MH-1, MOBILE HOME PARK

This district is intended to provide for mobile home parks to provide a sound and healthy residential environment and to encourage mobile homes to be located in these areas that provide the necessary amenities.

Permitted Uses: A building or premises in the MH-1 district may be used for the following purposes:

1. All uses allowed in R-1, R-2 or R-3 within the requirements of each district
2. Mobile homes and mobile home parks
3. Utility services & stations (excluding communications)
4. Railroads
5. Organization hotels and lodging houses, on a membership basis

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-5 – MH-2, MOBILE HOME SUBDIVISION

This district is intended to provide for subdivisions where the predominate housing will be mobile homes or manufactured housing placed on individually owned lots.

Permitted Uses: A building or premises in the MH-2 district may be used for the following purposes:

1. All uses allowed in MH-1 within the requirements of that district

Accessory Uses:

1. Noncommercial garages and carports
2. Fences
3. Private swimming pools
4. Outdoor barbecue structures
5. Storage buildings, workshops and playhouses
6. Animal shelters for domestic pets
7. Gardening and agricultural uses incidental to residential uses
8. Uses customarily incidental to the operation of a church, including, but not limited to recreation facilities and buildings, educational building, parsonage facilities, and parking areas.

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may

require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-6 – AG, AGRICULTURAL DISTRICT

This district is intended to provide for large tracts of land located primarily on the fringe of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominately residential, agricultural, or similar development, with scattered related uses. Certain structures and uses required to serve governmental, educational, religious, recreational, and other needs of such areas are permitted subject to restrictions and requirements intended to assure compatibility of uses within the district and adjacent thereto. It is further recognized that future demand for developable land will generate requests for amendments to remove land from AG classification and place it into other more intensely developed classifications as natural consequences of urban expansion.

Permitted Uses: A building or premises in the AG district may be used for the following purposes:

1. Uses including accessory uses in R-1 within the requirements of that district
2. All uses pertaining to farming, agriculture, livestock, fish & game, and the husbandry of natural resources and associated retail uses.
3. Certain commercial operations including riding and horse stables and dairy farming including accessory uses customarily incidental thereto.
4. Mobile homes & overnight trailer court
5. Utility services & stations
6. Recreational & amusement development
7. Public order and safety – Correctional institutions and fire protection
8. Daycare and residential care facilities
9. Railroads
10. Libraries and information centers

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-7 – C-1, OFFICE AND INSTITUTIONAL DISTRICT

This district is intended to accommodate a variety of general light commercial uses characterized primarily by professional office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics. Certain related structures and uses are permitted outright or as permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

Permitted Uses: A building or premises in the C-1 district may be used for the following purposes:

1. Generally recognized personal service establishments which perform services on the premises similar but not limited to: professional and administrative offices (doctors, attorneys, insurance, real estate), repair shops (watches, radio, television, shoe), tailor shops, beauty shops and barbershops, laundries and dry cleaners, photographic studios, copy services and banks and financial institutions.
2. All uses allowed in R-1, R-2, R-3, or AG within the requirements of each district. (Amend 10/15)
3. Hotels and lodging houses (on a membership basis)
4. Colleges, universities, business and vocational schools except vocational high schools
5. Private clubs, walk-in theaters, museums, and art galleries
6. Engineering, architectural, scientific, and research organization and non commercial laboratory.
7. Professional, political and religious organizations, labor unions and similar labor organizations.
8. Utility services and stations (excluding communications)
9. Governmental offices and services
10. Funeral services and crematories
11. Hospitals
12. Automotive repair services, garages, renting and leasing
13. Parks, recreation facilities, and golf courses
14. Railroads
15. Veterinary services
16. Agricultural services
17. Private commercial storage

Accessory Uses: Uses on the same lot and customarily incidental to the permitted uses, including, but not limited to, garages or parking structures for commercial vehicles, off-street parking and loading zones and limited storage facilities.

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-8 – C-2, GENERAL COMMERCIAL DISTRICT

This district is intended to accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics. Certain related structures and uses are permitted outright or are permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

Permitted Uses: A building or premises in the C-2 district may be used for the following purposes:

1. All uses allowed in R-1, R-2, R-3, C-1 within the requirements of that district
2. All types of business and commercial activity related to retail sales, business and professional offices, financial institutions, gasoline filling stations and repair garages, personal service shops and limited wholesale activity.
3. Generally recognized service establishments which perform services off premises similar to but not limited to: services to dwellings and other buildings, lawn and gardens, disinfecting and extermination, trees and shrubs.
4. Restaurants, bars, taprooms, taverns, poolrooms, amusement centers, liquor stores and party shops.
5. Private clubs, walk-in and drive-in theaters, assembly and concert hall.
6. Hotels and motels
7. Campgrounds and overnight trailer courts
8. Wholesale, warehouse and storage facilities including building materials and lumber yards.
9. Automotive services and carwashes
10. Correctional institutions
11. New and used car, truck, machinery, utility trailer, and RV sales, rentals, and repairs.
12. Fuel, fuel oil, and liquefied petroleum (bottled gas) dealers
13. Commercial and professional sports, clubs, promoters, and racing tracks
14. Mobile home dealers
15. Research, development, and commercial testing laboratories
16. Transportation facilities including bus depots, trucking facilities and services without storage.
17. Outdoor advertising agency
18. Communication services, radio and television broadcasting
19. Paper and paper products, printing, publishing, and allied industries, and photo finishing laboratories.

Accessory Uses: Uses on the same lot and customarily incidental to the permitted uses, including, but not limited to, garages or parking structures for commercial vehicles, off-street parking and loading zones and limited storage facilities.

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-9 – M-1, LIGHT INDUSTRIAL DISTRICT

This district is intended to accommodate wholesaling, distribution, storage, processing, light manufacturing and general commercial uses. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible as special exceptions subject to restrictions and requirement is intended to best fulfill the intent of this chapter.

Permitted Uses: A building or premises may be used for the following purposes:

1. Limited manufacturing and industrial uses; provided, that such use is not detrimental to the health, safety or general welfare of the community
2. All uses allowed in C-1 or C-2 within the requirements of each district
3. Warehouses and storage
4. Refuse systems
5. Transportation services and maintenance facilities

Accessory Uses: Uses on the same lot and customarily incidental to the permitted uses, including, but not limited to, garages or parking structures for commercial vehicles, off-street parking and loading zones and limited storage facilities.

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-10 – M-2, INDUSTRIAL PARK

This district is intended to accommodate areas planned and developed as industrial parks which provide an area conducive to the development and protection of modern administrative facilities, research and development centers, specialized manufacturing facilities, and similar enterprises characterized by landscaped campus-like settings.

General commercial uses are allowed but are considered incidental to the predominately industrial nature of the district. Certain related structures and uses required to serve the needs of the primary use are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance.

Permitted Uses: A building or premises may be used for the following purposes:

1. Limited manufacturing and industrial uses; provided that such use is not detrimental to the health, safety or general welfare of the community.
2. All uses allowed in C-1 or C-2 within the requirements of each district.

Accessory Uses: Uses on the same lot and customarily incidental to the permitted uses, including, but not limited to, garages or parking structures for commercial vehicles, off-street parking and loading zones and limited storage facilities.

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may

require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-11 – PLANNED UNIT DEVELOPMENT

The intent of planned unit development is to derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while also obtaining the advantage of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation. A planned unit development is established by rezoning prior to development and is characterized by a unified site design for a mixed- use development. The “development plan” as adopted in the rezoning process becomes the zoning district map for the planned development district.

The types of residential dwelling units and the types of non-residential uses allowed to be established in such districts increase with increasing site size of such districts, based upon the premise that increased site size will allow proper design including functional interrelations, buffer treatments separating uses with potentially incompatible characteristics of use, design of access patterns, and relationships of uses within such planned unit developments with uses in adjacent districts. It is the intent of this ordinance that such design and planning features be incorporated properly into any PUD district hereafter created, and that the Planning Commission and Town Council shall consider the existence and appropriateness of such features before any amendment to the zoning map is adopted to create such district.

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

LAWN REQUIREMENTS; ALL ZONES

All lawn areas involving new or completely renovated construction shall be sodded completely on all sides (front, sides and rear) to and including all property lines of record.

SECTION 6-12 - - AP AIRPORT HEIGHT RESTRICTIVE AREA

It is the intent of this section to restrain influences, which are adverse to the proper and safe conduct of aircraft operations in the vicinity of Berkeley County Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, the “-AP” designation, when appended to a basic district classification, is intended to coordinate the purpose and intent of this section with other regulations duly established by Moncks Corner whose primary intent is to further the purposes set out above.

SECTION 6-13 – FW AND FP FLOOD PROTECTIVE AREAS

Certain areas within Moncks Corner are subject to periodic inundation by flood waters which results or may be reasonably foreseen to result in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare. These hazards are caused or extended in part by the occupancy of flood hazard areas by uses which increase flood damage upon their lands or uses which are vulnerable to floods because they are inadequately elevated or not otherwise protected from flood damages. It is, therefore, the intent of this ordinance to lesson such hazards or losses by restricting or prohibiting uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities; by requiring that uses vulnerable to floods be protected against flood hazards at the time of initial construction; and by controlling, filling, grading, mineral extraction, placing of obstructions within flood channels and other activities, uses, or characteristics of use which may increase flood damage.

SECTION 6-14 – TD, TRANSITIONAL DISTRICT

This district is intended to accommodate commercial and professional offices uses typically found in single family areas. District land uses will preserve the area's existing residential character, while permitting commercial uses that are not major traffic generators.

Permitted Uses: A building or premises in the Transitional District may be used for the following purposes:

1. One-family detached dwellings
2. Guest cottages, garage apartments

Accessory Uses: Any proposed uses of property within this zoning district that are not a permitted use must be approved by the Planning Commission.

New or Unlisted Uses and Use Interpretation

The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

TABLE 2
Schedule Of Development Requirements

Minimum Lot Area Per Unit (Sq. Feet)		Each Additional	Approximate Maximum Density Units	Minimum Yard Requirements (In Feet)			Minimum Lot Width	Maximum Height	Percent Maximum
District	1st Unit	Unit	Per Acre	Front	Rear	Side	(In Feet)	(In Feet)	Lot Coverage
R-1	12,000	NA	4	25	15	10	80	35	30
R-2	8,500	NA	5	25	15	10	70	35	30
R-3	7,500 ^c	2500	11	25	15	5	50	35	40
MH-1	(See Section 6.30)			25	25	25	NA	NA	40
MH-2	5,000 ^c	2500	16.4	25	15	5	50	35	30
C-1	5,000 ^c	2500	16.4	25	15	5	Nah	50	50
C-2	NA	NA	NA	25	10	3	NA	70	NA
M-1	NA	NA	NA	25	0 ^b	0 ^a	NA	70	NA
M-2	NA	NA	NA	25	0 ^b	0 ^a	NA	70	NA

FOOTNOTES:

- a. No side yard is required except that a landscape buffer must be provided in accordance with this ordinance
- b. No rear yard is required except that a landscape buffer must be provided in accordance with this chapter.
- c. Detached single family dwelling shall be required to have 5,000 square feet per unit.
The density shall meet the same requirements for the first unit.

SECTION 6-15 – LOT SIZE SETBACK AND HEIGHT REQUIREMENTS

The lot, setback and height requirements shall comply with Table 2 unless modified by special provisions, exceptions and conditions contained elsewhere in this ordinance.

SECTION 6-16 – FRONT SETBACKS RELATED TO ADJACENT STRUCTURES

Notwithstanding the setback requirements of this ordinance, the front building line of any proposed building may be as close to the street as the average front building line of the buildings fronting on the same block face.

SECTION 6-17 – STRUCTURES AND PROJECTIONS INTO REQUIRED SETBACKS

The general definition of “yards” as set forth in Section 2 states that yards are unoccupied and unobstructed by a structure or portion of a structure from forty-eight (48) inches above the finished grade level of the ground. However, the general definition shall be construed subject to the following exceptions and interpretations:

1. Those objects, which are excluded from the definition of a “structure” under Section 2, shall not be subject to regulation under interpretation of the definition of “yard”.
2. Steps and open porches without roofs shall not be allowed in any yard to within three (3) feet of an adjoining property line;
3. Screening walls and fences may be permitted in a required yard upon the determination of the Zoning Administrator that the fence or wall:
 - a. Does not impede site vision clearance for driveways or streets; and
 - b. Does not include gates that swing outward into sidewalks or public right-of-ways. A fence or wall not over seven (7) feet in height is permitted outright in side or rear yards, provided no wall or fence in excess of five (5) feet is permitted within six (6) feet of a residential structure on adjacent property;
4. Eaves, cornices, gutters, and other minor architectural features projecting less than 18 inches from the main portion of a building shall be allowed to project into any yard.
5. In C-2, M-1 and M-2 districts, structures and devices incidental to servicing, and roofs over such structures and devices are permitted within required front yards, provided that they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of traffic hazards, and further provided, that servicing operations in connection therewith can be conducted so as not to interfere with public use of adjacent sidewalks or public streets
6. Retaining walls that do not project more than 18 inches above the grade level at the property lines of adjoining lots are permitted outright; a retaining wall in excess of 18 inches may be allowed in any required yard upon the determination of the Zoning Administrator that the retaining wall will not impede sight distance clearance for driveways.
7. Signs are permitted to encroach upon required yards in certain instances as set forth in Article A “Regulation of Signs”
8. Screening required by this code may encroach into required yards.

SECTION 6-18 – ORIENTATION OF REQUIRED YARDS

In interpretation of requirements related to establishment of required yards, the Zoning Administrator shall apply the following interpretation to the orientation of those yards:

1. Through Lots. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicate otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not keeping with the prevailing yard pattern, the Zoning Administrator may wave the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards existing on lots within the same block.
2. Corner Lots with two (2) frontages. In the case of corner lots with two (2) frontages, a front yard of the required depth shall be provided on the frontage of the street having the higher

traffic volumes. Where the traffic volumes on both streets are approximately equal, the required depth shall be provided on the street frontage having the minimum lot width. A second front yard of half the depth required generally for front yards in the district shall be provided on other frontage.

3. Corner lots with more than two (2) frontages. In the case of corner lots with more than two (2) frontages, the zoning administrator shall determine the front yard requirements, subject to the following limitations: (i) at least one (1) front yard shall be provided having full depth required generally in the district; (ii) no other front yard on that lot shall have less than half the full depth required generally.
4. Appropriateness of Orientation. Notwithstanding the above, the zoning administrator may determine that the most appropriate orientation for any required yard is different from the orientation as set forth above in such instance that it appears that such different orientation will further the intent of this ordinance. When a structure is to be built which will contain more than one (1) dwelling unit, the orientation of required yards shall be based upon both the orientation of the lot and the orientation of the structure. The zoning administrator may impose different from the orientation set forth in this section and elsewhere in this ordinance subject only to the appeal of the decision to the board of appeals as an appeal from an administrative decision of the zoning administrator.

SECTION 6-19 – MEASUREMENT OF HEIGHT

For purposes of this ordinance, the height of a building shall be measured from the average finished ground elevation at the base of the structure to the highest point of the roof of the structure, provided the spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housings, mechanical equipment or other such structures placed above the roof level and not intended for human occupancy shall not be subject to height limitations. Antennas are subject to height requirements and are covered under section 6-29.

SECTION 6-20 – VISIBILITY AT INTERSECTIONS

1. Sight Clearance to be Maintained. At each corner of each street intersection a sight area shall be maintained. Within the sight area no fence, wall, sign, or other structure, no slope or embankment, no parked vehicle, no hedge, foliage or other planting, and no other object or structure shall be placed, erected or maintained which will obstruct visibility within the sight area.
2. Dimensions of Sight Areas. The horizontal dimensions of sight areas are defined as triangular areas formed by the intersection right-of-way lines and a straight line joining said right-of-way lines at points which are fifteen (15) feet distant from the point of intersection of the right-of-way lines in commercial and industrial districts and twenty-five (25) feet distant from the point of intersection of the right-of-way lines in residential districts, measured along the right-of-way lines. Those sight areas shall be established regardless of the angle of intersection of the right-of-way lines. For the intersection of a driveway and a street, the triangular area that is formed by the right-of-way and the edge of a driveway and a straight line joining said right-of-way and driveway edge at points which are fifteen (15) feet distant from the point of intersection. The vertical dimensions of sight areas are defined as the vertical space between the heights of two and one-half (2 1/2) feet and ten (10) feet in elevation above the nearest edge of riding surface of an unpaved street.

SECTION 6-21 – ACCESSORY BUILDINGS

No accessory building shall be erected closer than five (5) feet to any side or rear property line or within five (5) feet of any main building. No accessory structure shall be erected within a required front yard, excluding open carports, provided however, below ground swimming pools shall be permitted by special exception with appropriate screening.

SECTION 6-22 – FREIGHT CONTAINER AS AN ACCESSORY USE

Any freight container, box, or crate designed for multiple modes of transportation, either domestic or overseas, and used for transportation and temporary or permanent storage is accessory use in Industrial Park, Light Industrial and General Commercial zoning districts. This includes all containers with ribbed or flat walls and is built to rest flat on the ground, stacked, or attached to a mobile chassis for interstate transportation.

Freight containers are prohibited in Development, Office and Institutional, Transitional, Mobile Home Parks and Subdivisions, and all other Residential zoning districts.

Freight containers must be placed in the rear of the property. If the rear of the property borders a street, an eight feet tall evergreen buffer shall be installed.

SECTION 6-23 – ANTENNAS

No antenna or similar structure shall be permitted between the front of principal structure and the street, and in the case of corner lots, the side of a principal structure and the street. These provisions shall apply in the following zoning districts: D-1, R-1, R-2, R-3, TD, R-4, MH-1, MH-2 and C-1. In all zoning districts, such structure shall comply with all other yard and setback requirements. Antennas measuring over seventeen (17) feet above ground to the top of the antennas require approval of the board of appeals as a special exception.

SECTION 6-24 – MOBILE HOMES & MANUFACTURED HOUSING

1. Located on Individual Lots Outside Mobile Home Parks. All manufactured housing or mobile homes located on individual lots not within a mobile home park shall be placed on a permanent masonry foundation and meet all lot area and setback requirements for the district in which it is located.
2. Located in Mobile Home Parks. Mobile home parks shall be located in MH-1 zoning districts and shall conform to the following requirements:
 - a. The park shall be no less than two (2) acres in size, and be located on a well- drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - b. The mobile home park shall conform to the requirements of the Rules and Regulations Governing Mobile Home Parks as established by the South Carolina Department of Health and Environmental Control.
 - c. Each mobile home park shall have a minimum area of five thousand (5,000) square feet set aside for a common open space; in the case of a park larger than the minimum two (2) acres

- or in the case of expansion of the park, five hundred (500) square feet of common open space shall be added for each mobile home unit after the twentieth (20th) unit.
- d. All mobile home spaces shall include a paved, bricked, or other all weather dust proofed driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a street.
 - e. A buffer yard equivalent to buffer “D” shall be located along all property lines bounding the park.
 - f. Off-street parking, loading and other requirements shall conform to the standards set forth in Article Seven.
 - g. Signs located in MH-1 zoning districts shall conform to the requirements of Article Eight of this ordinance.
3. Located in Mobile Home Subdivisions. Mobile homes or manufactured housing to be located in MH-2 (mobile home subdivision districts) where the units are located on individually platted and owned lots shall conform to the lot size, setback and other requirements of the district and all other provisions of this ordinance. In addition, each unit shall be placed on a permanent masonry foundation.

SECTION 6-25 – NEIGHBORHOOD ACCESS

Any new housing development that has a master plan for the development of 30 or more lots must have more than one ingress/egress point in the plan. These different ingress/egress points are strongly encouraged to be on two exterior different roads.

ARTICLE SEVEN SUPPLEMENTARY DISTRICT REGULATIONS

PURPOSE

- (A) Areas suitable for parking and storing automobiles in off-street locations shall hereafter be required in all zoning districts at the time of the initial construction of any principal building; or when a structural alteration or other change in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or that changes the use so as to require more parking to serve that use, or when a conversion in use occurs.
- (B) Such off-street parking area shall have direct access to a street or alley, and shall be developed and maintained in accordance with the landscaping provisions of this chapter.

SECTION 7-2 – SCHEDULE OF OFF-STREET PARKING SPACE REQUIREMENTS

- (A) The required number of off-street parking spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to the requirements indicated in the following table, in columns two and three, Parking Spaces Required and Additional Requirements.
- (B) However, in commercial zoning districts, all parking spaces provided above the minimum amount shall be surfaced with pervious materials, and approved by the Zoning Administrator.

Use or Use Category	Parking Spaces Required	Additional Requirements
Residential uses		
One-family dwelling	Two spaces	—
Two-family dwelling	Three spaces	—
Multifamily dwelling, townhouse/condominium	Two spaces per dwelling unit	—
Mobile home in a mobile home development	Two spaces	—
Mobile home development	Two spaces per each mobile home space	Plus one space per each employee living on premises
Boarding and rooming house	One space per each sleeping room	Plus one space per each employee
Group dwelling	One space per each two bedrooms	—
<u>Public and semi-public uses</u>		
Nursing home, sanitarium, inpatient clinic, home for the aged, and similar institutions	One space per each four patient beds	Plus one space per each regular employee in single shift
Medical and dental office and outpatient clinic	One space per each 200 square feet of gross floor space (minimum of four spaces)	—
Church and other places of worship, recreation, and places of public assembly	One space per four fixed seats in main assembly hall	Or five spaces per classroom, whichever is greater
Places of public assembly or recreation not containing fixed seats in the main assembly room	One space per each 100 square feet of gross floor area in the main assembly room	—

Nursery, elementary, or junior high	One space per each ten seats in the main assembly	Or one space per classroom, whichever is greater, plus one space per each employee
High school, trade or business school	One space per each four seats in the main assembly room	Or five spaces per classroom, whichever is greater, plus one space per each two employees
Country club or golf club	One space per each four members	Plus one space per each two employees
Library, museum, art gallery, or similar building	Ten spaces	Plus one space per each 500 square feet of floor area
Club, fraternity, sorority, or lodge	One space per sleeping room or suite	Or one space per four active members, whichever is greater, plus one space per each three employees
<u>Commercial uses</u>		
Public or private office buildings	One space per 300 square feet of gross floor area (four space minimum)	—
Bank, savings and loan association, and similar lending institutions	One space per each 200 square feet of gross floor space	—
Service or repair establishment, not otherwise mentioned specifically	One space per each 250 square feet of gross floor area not used for storage	—
Retail business not otherwise specifically mentioned	One space per each 200 square feet of gross retail floor space not used for storage (three spaces min.)	Plus one space per each employee
Theater, night club, and similar places of assembly	One space per each four seating accommodations	Plus one space per each three employees on shift of greatest employment
Automobile service stations	One space per employee, but in all cases, a minimum of five spaces	Plus one space per each grease rack or wash rack
Motel, hotel, and tourist court	One space per sleeping	Plus one space per each

	room or suite	three employees
Furniture, home furnishing, appliances, machinery, equipment, automotive, farm and boat sales and service	One space per 300 square feet of retail floor area (three spaces minimum)	Except that automobile sales and service must have ten spaces minimum
Bowling alley	Five spaces per lane	—
Funeral home or mortuary	One space per 50 square feet of gross floor area exclusive of storage and work areas	—
Planned shopping center	Four spaces per 1,000 square feet gross leasable area	—
Standard restaurant	One space per each four seats	Plus one space per each two employees on shift of greatest employment
Drive-in restaurant	One space per each 35 square feet of gross building area	Plus one space per each three employees on shift of greatest employment
Fast food restaurant	One space per each 100 square feet of gross building area	Plus one space per each three employees on shift of greatest employment
Outdoor decks and porches at eating and drinking establishments	One space per every 100 square feet of deck or porch area	—
Printing, publishing, plumbing, heating, or broadcasting station	One space per each three employees	Or one space per 1,500 square feet, whichever is greater
Wholesale and industrial uses		
Manufacturing, processing, research testing laboratories, settling, wholesaling, storage, warehousing, junk and supply yard, brick or coal, or lumber yard, and similar establishments	One space per each two employees at maximum employment	Plus one space for each company vehicle operating from the premises
Transportation terminal facility including bus depot, truck terminal	One space per 100 feet of public waiting room	Plus one space for each two employees, plus all commercial vehicles incident to the facility

SECTION 7-3 – APPLICATION OF PARKING REQUIREMENTS

- (A) *Location of off-street parking areas.* All parking spaces required herein shall be located on the same lot with the principal building or use or uses served.
- (B) *Mixed uses.* Where more than one principal or accessory use or uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, unless a detailed parking study based upon ULI standards is submitted to, and approved by, the Zoning Administrator or designee.
- (C) *Change in use, alteration of use, or extension of use.* Off-street parking spaces shall be provided in accordance with these regulations whenever a building or use is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise.
- (D) *Requirements for uses not specifically listed.* The parking space requirements for a use not specifically listed in THIS SECTION shall be the same as for a listed use of similar characteristics or parking demand generation, as determined by the Zoning Administrator.
- (E) *Compilation of total employment.*
 - (1) Except as otherwise provided, the number of employees shall be compiled on the basis of the number of persons employed on the premises at one time on an average day or average night, whichever is greater.
 - (2) Seasonal variations in employment may be recognized in determining an average day.
- (F) *Fractional computations.* Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

SECTION 7-4 – AREA AND PAVING REQUIREMENTS

- (A) Excluding aisles, maneuvering space, turnaround space, and drives, each required off-street parking space shall not be less than 9 feet in width and 18 feet in length.
 - (1) No parking or maneuvering area shall be located in any public right-of-way.
 - (2) All off-street parking spaces shall be paved, except:
 - (a) As specified in this section, and;
 - (b) Those serving one and two family dwelling units, and other uses requiring six or fewer parking spaces, which may instead be surfaced with other suitable material, as determined by the Zoning Administrator.
- (B)
 - (1) Parking spaces 90 degrees to the travel way aisle shall be 9 feet in width and 18 feet in length.
 - (2) The travel way aisle for one or two-way travel shall be 22 feet in width.
 - (3) The paved length of the parking stall may be reduced to 17 feet, providing that curbing or anchored concrete wheel stops are furnished at the edge of paving to allow the vehicle to overhang the landscape area.
 - (4) The total length of the stall shall not be reduced, and the overhang area shall not be included as a part of any buffer or setback requirements.
- (C)
 - (1) Angled parking spaces positioned at other than 90 degrees to the aisle travel way shall be dimensioned in accordance with recognized standard criteria.
 - (2) However, all two-way aisles shall be 22 feet in width.

- (D)
 - (1) The ends of parking rows shall be terminated in a landscaped area, outlined either by curb and gutter, landscape timbers or concrete wheel stops, subject to drainage considerations.
 - (2) Depth of termination area and height of landscaping shall be determined by preserving a sight triangle within the parking area formed by a long leg of 50 feet and a height of eye of 3¹/₂ feet.
- (E) Stop signs shall be provided at the transition from the parking area to the public right-of-way.
- (F) For businesses that have drive-through access, parking spaces and aisles shall be set back from the public access driveway to provide a minimum of 30 feet of reservoir space between the public edge of pavement and any parking area aisle.

SECTION 7-5 – DESIGN REGULATIONS

- (A) *Landscaped area.*
 - (1) The area to be landscaped shall be 10% of the total available area.
 - (2) The total available area shall be calculated by subtracting the land area covered by buildings and structures from the total land area of the site, and then multiplying this difference by 10%.
 - (3) This amount of land shall be devoted to vegetative landscaping, which includes trees, shrubs, grass, ground covers, and other plants.
- (B) *Lighting.*
 - (1) Parking lots and vehicular use areas shall be lighted; however, such shall not illuminate, nor cast glare into neighboring properties.
 - (2) Lighting fixtures shall be part of the overall project design and contribute to the landscaping effect.
 - (3) Certification indicating compliance with this requirement shall be placed on the plans by the developer.
- (C) *Screening.* All parking lots and vehicular use areas shall be screened from all abutting properties or rights-of-way by the minimum requirements contained in the following:

SECTION 7-6 – BUFFERYARDS

- (A) *Definition and purpose of bufferyards.*
 - (1) Bufferyard is a unit of yard together with the planting required thereon.
 - (a) Both the amount of land and the type and amount of planting specified for each bufferyard required by this chapter are designed to ameliorate nuisances between adjacent land uses, or between a land use and a public road.
 - (b) The planting units required of bufferyards have been calculated to insure that they do, in fact, function to "buffer."
 - (2) Bufferyards shall be required to separate different land uses from each other, in order to:
 - (a) Eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas; or
 - (b) Provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.
- (B) *Location of bufferyards.*

- (1) Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, except as provided below.
 - (a) For those properties designated as having separate lots within a larger development (such as an “outparcel”), the necessity of whether a bufferyard is required and the specific requirements thereof shall be determined during the design review approval process.
- (2) Bufferyards shall not be located on any portion of an existing public or private street or right-of-way.
- (C) *Determination of bufferyard requirements.* To determine the bufferyard required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:
 - (1) Identify the proposed land use.
 - (2) Identify the use of land adjacent to the proposed use.
 - (3) Use of table.
 - (a) Determine the bufferyard required on each boundary (or segment thereof) of the subject parcel by referring to the following Table of Bufferyard Requirements that specify the bufferyard required between streets and adjacent land uses.
 - (b) The letter designations contained in the table refer to the type of bufferyard specified by the illustrations contained in this section.
 - (4) Any of the several options contained below shall satisfy the requirement of buffering between adjacent land uses and streets.
- (D) *Bufferyard specifications.*
 - (1) The requirements are stated in terms of the width of the bufferyard and the number of plants required per 100 feet of bufferyard.
 - (2) The “plant unit multiplier” is a factor by which the basic number of plant materials required for a given bufferyard is determined, given a change in the width of that yard.
 - (3) The type and quantity of plant materials required by each bufferyard and each bufferyard option are specified by the following.
 - (4) Each buffer to be provided on a given property, which is a portion of the total buffer to be provided between two adjoining developed parcels.
 - (5) The type of required structure and exact placement of required plants shall be determined through the design approval process, based upon the proposed use of the subject property and the uses of adjoining properties: and in the case of fence structures, the type of materials utilized and maintenance issues; and further provided that evergreen (or conifer) plant materials shall be planted in clusters.
 - (6) All bufferyard areas shall be seeded with lawn grass or suitable ground cover, except as approved by staff.
- (E) *Bufferyard substitutions.* The following plant material substitutions shall satisfy the requirements of this chapter.
 - (1) Evergreen canopy or evergreen understory trees may be substituted as follows:
 - (a) In the case of deciduous canopy forest trees, up to a maximum of 50% of the total number of canopy trees otherwise required;
 - (b) Evergreen canopy or evergreen understory trees may be substituted for deciduous understory trees and deciduous shrubs, without limitations.
 - (2) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitations.

- (3) Any existing plant material, which otherwise satisfies the requirements of this section, may be counted toward satisfying all such requirement.

SECTION 7-7

Table of Buffer yard Requirements

TABLE OF BUFFERYARD REQUIREMENTS													
Existing Adjacent Land Use													
Proposed Land Use	Dwellings						Combination Res/Comm/Off	Religious, Educ., Rec, Nurs. Home	Off. And Inst.	Commercial	Industrial	Vacant Land2	All Other
	Single	Duplexes	Town- houses	Multi- family	Group	Mobile Home							
Single-Family Detached	*	*	*	*	*	*	*	*	*	*	*	*	*
Duplexes	*	*	*	*	*	*	*	*	*	*	*	*	*
Townhouses	D	C	A	B	B	B	B	B	B	B	B	B/A	B
Multi-Family	D	C	B	A	B	B	B	B	B	B	B	B/A	B
Group Dwellings, Rooming, Boarding, and Lodging Houses	D	D	B	B	A	B	B	B	B	B	B	B/A	B
Mobile Homes	E	D	C	C	C	A	C	C	C	C	C	C/A	C
Combination Uses, i.e. Res/Comm/Off	E	D	C	C	C	A	C	C	C	C	C	C/A	C
Religious, Recreation, Educ., Day Nurseries and Nursing Homes	D	D	D	C	C	C	B	B	B	B	C	B/A	B
Office and Institutional	E	D	D	D	D	C	A	B	A	A	B	C/A	B
Commercial Buildings and Uses	E	D	D	D	D	C	A	B	A	A	B	C/A	B
Industrial Uses1	F	F	F	E	E	E	D	E	D	D	D	D/A	D
All other uses, except those for which buffers and screens are specified elsewhere by this chapter	E	D	D	D	C	A	B	B	A	A	B	C/A	B

* No bufferyard required.

1First letter designates bufferyard for vacant land zoned Residential, second letter designates bufferyard for all other land.

2Where proposed land uses are to be constructed adjacent to streets, a type "B" bufferyard shall be required between the proposed use and the street.

SECTION 7-8 – Bufferyard Types

Required Plant Units per 100 feet

Type A – 2 canopy trees, 3 understory trees, 10 shrubs.

Type B - 3 canopy trees, 5 understory trees, 15 shrubs.

Type C - 3 canopy trees, 6 understory trees, 20 shrubs.

Type D - 4 canopy trees, 6 understory trees, 25 shrubs, 10 evergreens/conifers.

Type E - 6 canopy trees, 9 understory trees, 36 shrubs. 18 evergreens/conifers.

Type F – 10 canopy trees, 15 understory trees, 60 shrubs, 30 evergreens/conifers.

- (F) *Use of bufferyards.* A bufferyard may be used for passive recreation; however, no plant material may be removed.
- (G) *Bufferyards part of required yards.* Where front, side, and rear yards are required by this chapter, bufferyards may be established within such required yards.
- (H) *Minimum plant size.*

Plant Material Type	Planting in Bufferyards Abutting Vacant Lands	All Other Planting
Canopy Tree		
Single-stem caliper	2-inch caliper	2 ¹ / ₂ -inch
Multi-stem caliper	8-foot height	10-foot height
Understory Tree		
Understory tree	6-foot height	2-inch caliper
Shrubs		
Deciduous	15-inch height	24-inch height
Evergreens/Conifers		
Trees	4-foot height	5-foot height
Shrubs	15-inch height	24-inch height

(I) Special bufferyards.

- (1) Natural roadside buffer. A natural buffer shall be established on properties abutting all roadways designated as scenic highways, or as may be determined during the planning process, i.e., impact assessment sketch plan approval by Council, sketch plan approval by Planning Commission, special exception approval by Board of Zoning Appeals, design review approval and staff approvals of smaller projects.
 - (a) Select clearing may be allowed in these buffers of trees measuring less than six inches DBH.
 1. Select clearing shall not include trimming limbs more than 8 feet above ground level.
 2. All trees 6 inches DBH or greater shall be indicated on a tree survey.
 - (b) Additional landscaping, irrigation and/or pedestrian trails must be approved by the Department of Planning and Development. Any plantings allowed or required within this buffer shall be native species.
 - (c) No cross penetrations of utilities will be allowed.
 - (d) The boundaries of the natural roadside buffer shall be clearly delineated and identified on all development plans and plats submitted for approval.
 - (e) Clearing limits shall be staked out in the field in a manner approved by planning staff, prior to and remaining through construction activities.
 - (f) Buffer width to be determined in the planning process as specified above, but generally, the buffer should be 50 feet in depth along collector streets or minor arterials, and 100 feet in depth along major arterials; provided, however, exceptional conditions (such as project parcel size, the presence, or lack thereof, of existing natural vegetation, the dedication of right-of-way for frontage or access roads on the subject parcel, and the existence of utility or other easements or conditions that effect the buffer) shall be considered in making the buffer width determination.

- (g) Buffer limits shall be staked in the field in a manner approved by planning staff, prior to and throughout construction activities.
- (h) The following are exceptions to these requirements:
 - 1. Lots of record and final plats approved prior to (enactment date of this ordinance);
 - 2. Valid approved preliminary plats as of (enactment date of this ordinance); and
 - 3. Valid approved sketch plans adopted prior to the date of (enactment of this ordinance) shall be exempt for a period of two years from the date of approval of the sketch plan by the town. Subsequent preliminary plats must accurately reflect the sketch plan; otherwise, compliance with this subsection will be required.
- (i) Violation of this section or failure to comply with any of the requirements hereof shall be classified as a misdemeanor punishable by a fine in the amount of up to \$500, or imprisonment for not more than 30 days, or both.
 - 1. However, no penalty shall exceed the penalty provided by state law for a similar offense.
 - 2. A separate offense shall be deemed committed for:
 - (a) Each tree and/or separate plant or shrub identified in this code that is removed; and
 - (b) Each day that the violation occurs or continues.
 - 3. Any person, firm, organization, society, association, partnership, corporation, or like entity, or any agent or representative thereof who commits, participates in, or assists in such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (j) Full restoration to a condition comparable to that which was destroyed shall be required within a specified period. If restoration is to be accomplished by the offending party, it shall include posting an acceptable financial guarantee with the town for the full amount of restoration required until the same is completed.
- (k) Failure to comply with the terms stated in this section shall also be subject to enforcement in a circuit court of competent jurisdiction.

SECTION 7-9 – INTERIOR LANDSCAPING

- (1) Interior areas of parking lots shall contain planter islands located so as to best relieve the expanse of paving.
 - (a) A maximum of 10 parking spaces in a row will be permitted without a planter island.
 - (b) However, this section may be modified by the Zoning Administrator, when strict application will seriously limit the function of an area.
- (2) Planter islands shall have a minimum of 162 square feet in area.
 - (a) Planter islands shall contain at least one 2.5-inch-caliper tree, having a minimum clean trunk of five feet and a minimum overall height of eight feet.
 - (b) The remainder shall be landscaped with shrubs, ground cover, or other approved material.
 - (c) As it presents considerable root competition for trees, the use of lawn within an island should be limited.
- (3) Landscaped border areas may be interrupted to provide ingress and egress drives for the property.
- (4) Existing plant material.
 - (a) The natural landscape shall be preserved according to the provisions of this chapter and the Town Tree Protection Ordinance.

- (5) Wherever healthy plant material exists on a site, the above-mentioned standards may be adjusted to allow credit for such plant material, if, in the opinion of the Zoning Administrator, such adjustment is in the best interests of the town, and preserves all intents of this chapter and the Tree Protection Ordinance.

SECTION 7-10 – JOINT USES

- (1) Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses, as separately computed in accordance with the provisions of this section, unless a detailed parking study based upon ULI standards is submitted to and approved by the Zoning Administrator or designee.
- (2) Also provided that where such space is not located on the same lot as the principal use or uses, the owner of the lot relinquishes, through a covenant agreement with the town, his or her development rights over the property, until such time as parking space is provided elsewhere or on the same premises as the principal use or uses.
- (3) In such cases where the parking space is not located on the same lot as the principal use, the off-site parking area shall be no more than 400 feet from the entrance of the principal use, as measured along the street right-of-way.
- (4) The off-site parking spaces may not be separated from the use by a street right-of-way greater than 80 feet in width.

SECTION 7-11 – OFF-STREET LOADING REQUIREMENTS

- (1) Off-street loading area required.
 - (a) Areas suitable for loading and unloading motor vehicles in off-street locations, and specifically designated for this purpose, shall hereafter be required at the time of the initial construction or alteration or conversion of any building or structure used, or arranged to be used, for commercial, industrial, governmental, or multifamily residential purposes.
- (2) Such off-street loading areas shall have access to a public alley or street, and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.
- (3) Number of off-street loading spaces required. The number of off-street loading spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to the requirements indicated in this section.

Type of use	Square Feet in Total Floor Area	Required
Retail and personal service establishment	0-1,999	None
	2,000-24,999	1
	For each additional 25,000	1 additional
Wholesale, manufacturing, governmental and institutional	0-24,999	None
	25,000-49,999	1

(including places of public assembly, educational institution, recreation, business service, terminal and similar business uses)	50,000-99,999	2
	100,000-249,999	3
	250,000-999,999	4
	1,000,000 or more	5
Funeral home or mortuary	0-2,499	None
	2,500-3,999	1
	4,000-5,999	2
	For each additional 10,000	1 additional
Offices or office building	0-4,999	None
	5,000-9,999	1
	10,000-20,000	2
	For each additional 50,000	1 additional

- (4) Amount of area required for each loading space.
 - (a) Each off-street loading and unloading space required by the provision of this chapter shall be at least 12 feet wide, 40 feet long and 14 feet high.
 - (b) Such space shall be clear and free of obstruction at all times.
- (5) Location of off-street loading areas.
 - (a) Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve.
 - (b) In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.
- (6) Adequacy of loading area.
 - (a) All uses, whether specified in this chapter or not, shall provide off-street loading areas sufficient for their requirements.
 - (b) Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, a public street, walk, alley, or way.

SECTION 7-12 – PLANNED UNIT DEVELOPMENT

Planned Developments will be designed in accordance with the following provisions.

1. Permitted Principal Uses and Structures. Permitted principal uses and structures vary with increasing size and are different for the PUD district. Where uses for more than one (1) district are permitted, the uses of the less restrictive district shall be permitted. Permitted principal uses and structures for various site sizes and types of PUD districts are as follows:
2. Maximum Area of Commercial Uses in PUD District. In PUD district in which commercial uses are permitted, the total gross floor area of such commercial or industrial uses shall not exceed the percentages listed below as related to gross floor area of all structures within the PUD at any time.

In addition, in PUD district in which commercial or industrial uses are permitted, the area of land devoted to such uses, including land coverage of structures, parking, and related characteristics and accessory uses thereto, shall not exceed the percentage listed below as related to total PUD site size at any time.

MAXIMUM PERCENTAGE OF GROSS FLOOR AREA AND MAXIMUM PERCENTAGE OF SITE AREA FOR COMMERCIAL STRUCTURES AND USES

TOTAL PUD SITE SIZE IN ACRES

Less than 15	20
15 or more	30

3. Permitted Accessory Uses and Structures. Accessory uses and structures shall be permitted as for the least restrictive districts indicated in Subsection (1) above, for any specific site size.
4. Permitted Special Exceptions. No special exceptions actions are required to establish any specific use. Uses and structures permitted in the least restrictive districts indicated in Subsection (1) above, for any specific size are permitted outright.
5. Minimum Lot Area. No minimum lot area is required for any specific structure, however, minimum site size to accommodate specific uses shall be as listed in Subsection (1) above
6. Height and Area Regulations. Minimum setbacks, minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not regulated within PUD districts, provided however, that the Planning Commission and Town Council shall ascertain that the characteristics of building site as shown on the development plan shall be appropriate as related to structures within the planned development and otherwise fulfill the intent of this ordinance.
7. Off-street Parking and Loading. Off-street parking and loading requirements as set forth in this ordinance shall be met for each use within the Planned Development.
8. Signs. Signs are permitted in PUD's only in accordance with provisions of the "Regulation of Signs" section of this ordinance.
9. Administrative Application and Review Procedures.
 - a. General. The establishment of a PUD district shall be amendment to the zoning map accompanied by certain sureties that the development will be in harmony with the intent of this ordinance and that the public interest in adequate site design, access, and community facilities and amenities will be defended. Application for amendment to establish a district shall be subject to the provision of this ordinance governing zoning amendments and in addition, the procedures described below shall apply. It is the intent of this ordinance that the public interest will be served not only by consideration of those specific criteria set forth herein, but also by consideration of the total anticipated effect of the planned development upon the community at large. The provisions of the PUD district represent a relaxation of specific site design requirements as applied to other districts herein, and in return for the design flexibility granted thereby, the applicant for amendment to PUD district classification, by requesting the PUD designation and making application therefore shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by the city council in establishing such developments.

- b. **Pre-application Conference** The applicant is encouraged to communicate his intentions to establish a planned development and the proposed characteristics thereof, to the planning commission prior to initializing an application for amendment in order to avoid undue delay in the review process after initiating such application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in preparation of materials in final form which may later be found to be acceptable or incomplete.
- c. **Application for Amendments.** The applicant shall make application for an amendment to PUD classification.
- d. **Site Development plans to be submitted to Planning Commission for Review.** The applicant shall submit site development plans to the planning commission for review which shall indicate the proposed uses of all land areas, and in addition shall indicate such other information as may be deemed reasonably appropriate for planning commission review.
- e. **Descriptive Statement to be submitted to the Planning Commission for Review.** The applicant shall also submit a descriptive statement indicating the characteristics and standards to be followed in developing the proposed planned development. The descriptive statement shall generally include, but not be limited to the following:
 - (1) legal description of proposed development boundaries
 - (2) total number of acres in the development area
 - (3) number of acres devoted to residential, commercial, industrial and other non-residential uses to reflect requirements of Subsection (2) above
 - (4) number of dwelling units of various types and overall density thereof
 - (5) number of off-street parking and loading spaces as needed to meet requirements of individual buildings
 - (6) if commercial development is proposed, indication of economic feasibility and justification for size of facilities
 - (7) description of open space uses and areas proposed, adequacy thereof to serve anticipated demand and if dedication of open space is proposed, procedures and conditions thereof
 - (8) if a homeowner's association or other group maintenance or group ownership features are to be included, a description of the proposed procedures and operation thereof
 - (9) an outline of development phasing indicating the timing of development of all proposed facilities, and justification of development phasing with respect to non-residential facilities in relation to residential facilities.
 - (10) Design standards, administrative procedures and other characteristics which will guarantee the development of the project as an integrated, functionally operable, well-planned whole
 - (11) Other such information or descriptions as may be deemed reasonably appropriate for planning commission review
- f. **Planning Commission Recommendation.** The planning commission shall make a recommendation upon the proposed zoning amendment.
- g. **Town Council Approval.** The Town Council may act to either approve or disapprove the application for amendment.

- h. Issuance of Zoning or Building Permits. The zoning administrator shall not issue any zoning permit or certificate of occupancy, and the building official shall not issue any building permit for work to commerce within a PUD district until the applicant for amendment which establishment such district shall have:
- (1) filed with the city clerk and recorded, with the Register of Deeds of Berkeley County, plats showing all proposed features of the planned unit development as approved by the city council which approval shall be certified by the city clerk
 - (2) completed any necessary agreements with the city so that the city may become a party to deed restrictions and other restrictive covenants related to the planned development and recorded such agreement with the Town Clerk and with the Register of Deeds of Berkeley County.
 - (3) Recorded with the Register of Deeds of Berkeley County, all required deed restrictions or other restrictive covenants as required by the Town Council upon approval of the amendment establishing the planned development district
 - (4) Recorded with the Town Clerk and with the Register of Deeds of Berkeley County, the descriptive statement as approved by city council setting forth and committing the developer to certain design standards, development phasing schedules and other pertinent matters
 - (5) Completed the posted of a bond or giving of other surety that adequate progress will be made in developing the project as may be required.
- i. The site development plan as approved by the city council as approved by the Town Council in establishing the PUD district shall be the zoning district map for the PUD and this shall be the basis for issuance of zoning permits and building permits for construction of buildings in the PUD.

10. Changes of Plans for PUD's. Changes which do not require changes of the boundaries of an established PUD district or establishment of a new PUD district are not considered amendments of the zoning ordinance. Any change in boundary of such PUD district shall be accomplished only by following procedures as set forth for zoning amendments. Changes in the approved characteristics or agreements relating to a PUD district, but not involving change in the boundary thereof shall be classified as either major changes or minor changes and shall be approved or disapproved as follows:

- a. Minor Changes. Revision of minor characteristics of the planned development, such as relocation of driveways or revision of floor plans of specific structures, may be authorized by the planning commission, provided that such authority is granted to the Planning Commission by the approved and recorded descriptive statement concerning development of the planned district. If the planning commission fails to approve a request for a minor change, the developer or other party at interest may then seek a change by the regular amendment process as outlined below for major changes.
- b. Major Changes. Major changes which materially affect the characteristics of the planned development shall follow the same procedural requirements as for the amendment originally establishing the planned district, including Planning Commission review, public hearing, and Town Council determination.

- c. It shall be the duty of zoning administrator to determine whether any specific request shall be considered a major change or minor change; provided however, that the applicant for change shall have the right to have any request for change processed as major change.

- 11. Failure to Begin, Failure to Complete, or Failure to Make Progress. The descriptive statement as approved by Town Council and duly recorded shall set forth the development for the project including phasing of development of non-residential uses in relationship to residential use. The Town Council may require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may rezone the planned development district and thus terminate the right of the applicant to continue development, or may initiate action to charge developers with specific violation of the zoning ordinance subject to the penalties set forth or any appropriate combination of the above remedies may be taken. If the planned development is not initiated within two years of its establishment, the planning commission shall initiate the rezoning of the property to an appropriate zoning district classification.
- 12. Terms of this Section to Prevail. In case of any conflict of the terms of this section with terms of other sections of this ordinance, the terms of this section shall prevail.

SECTION 7-13 – ARCHITECTURAL STANDARDS

Purpose

The Town of Moncks Corner seeks to promote architectural design which is harmonious with adjacent structures and sensitive to the natural environment. No single architectural style will be mandated within Moncks Corner. However, the reliance on or use of a standardized “corporate or franchise” style is strongly discouraged, unless it can be shown to the Town administrations’ satisfaction that such style meets the objectives noted below. Strongly thematic architectural styles associated with some chain restaurants, gas stations, big box, and service stores are discouraged and, if utilized, will be recommended to be modified to be compatible with the Town’s design objectives.

The primary purpose of this policy statement is to achieve the following goals:
Enhance and protect the Moncks Corner quality of life and community image through agreed upon architectural design objectives; and protect and promote long-term economic vitality through architectural design objectives which encourage high quality development, while discouraging less attractive and less enduring alternatives.

Design Objectives

The following architectural design objectives are intended to apply to all nonresidential and multi-family residential development within the Town. New building construction shall provide a sense of permanence and timelessness. High quality construction and materials should be used to ensure that buildings will not look dated or worn down over time, nor require excessive maintenance:

Exterior building materials should be aesthetically pleasing and compatible with materials and colors of nearby structures. Predominant exterior building facade materials shall consist of high quality, durable products. Durable building materials such as brick, sandstone, fieldstone, decorative concrete masonry units, wood, and glass are recommended. External Insulation Finished Systems (E.I.F.S.) material should be utilized only on the building trim and accent areas.

The use of E.I.F.S. as a predominant facade material is discouraged; Building colors should accent, blend with, or complement surroundings. Façade colors are recommended to be earth tone colors which are low reflectance, subtle, and neutral (e.g., grays, greens, burgundies, browns, and tans). The coloring of all materials should be integral to the product and not painted on the surface of said product. The use of high intensity colors, metallic colors, black or fluorescent colors is discouraged. Primary colors are requested to be reserved for trim and accent areas.

Exposed neon tubing is not an acceptable feature on buildings; The pitched roof designs are highly recommended for low-rise retail, office, and multi-family residential buildings utilizing architectural asphalt shingles or standing-seam metal panels. Flat roofs are not encouraged.

In the case of strip malls, big box stores, and shopping centers; such buildings shall provide elevations which reflect this objective through variations in facade setback and parapet wall presentations. Roof colors are requested to be muted and compatible with the dominant building color; Long blank walls on retail buildings are to be avoided through the use of foundation landscaping and architectural details and features. Large scale retail buildings are encouraged to have height variations to reduce scale and give the appearance of distinct elements; and Lastly, roof top mechanical installations shall be appropriately screened so as to block the view from adjacent public and private streets and properties. Such screening shall match or compliment the overall theme of the building.

Signs. Signs provide important functions of both advertising and navigation by motorists and pedestrians. However, signs often dominate a site and can be counterproductive to the primary function of directing patrons. Through careful and well-planned site design, signs should be designed with the following elements in mind:

1. Compatible with their surroundings in terms of size, shape, color, texture, and lighting and not promote visual competition with other signs along the corridor.
2. Architecturally integrated with the site's primary building(s).
3. Located such that they do not restrict sight distances of pedestrians or motorists, especially at driveways and intersections.
4. Limit the number necessary to direct patrons throughout the site. Discourage the use of pole, pylon, and temporary signs.
5. Limited to necessary information, regardless of the size permitted by the sign ordinance. Repetitive information shall not be permitted, such as dual signs on corner building when one sign is highly visible from the intersection.

It shall be the duty of Zoning Administrator, Building Official, and Town Administrator to determine whether any specific request shall be considered in accordance with the Architectural Standards.

Any party who disagrees with the decision regarding the Architectural Standards may appeal the decision to the Board of Zoning Appeals.

SECTION 7-14 – AP, AIRPORT HEIGHT RESTRICTIVE AREAS

1. Definitions.

- (1) Airport. Berkeley County Airport
- (2) Airport Elevation. The highest point of the airport's usable landing area measured in feet above sea level.
- (3) Airport Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Subsection d of this section.
 - (1) Approach Zone. The inner edge approach zone coincides with the width of the primary surface and begins two hundred (200) feet from the runway end and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of twelve hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - (2) Conical Surface. A surface extending outward from the periphery of the horizontal surface at a slope of twenty-to-one (20-to-1) for a horizontal distance of four thousand (4,000) feet.
 - a. Conical Zone. The conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward there from for a distance of four thousand (4,000) feet and upward at a slope of twenty-to-one (20:1).
 - b. Hazard to Navigation. An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.
 - c. Height. For the purpose of determining the height limits in all zones set forth in this section and shown on the zoning map, "the datum" shall mean sea level elevation unless otherwise specified.
 - d. Horizontal Surface. A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plane coincided with the perimeter of the horizontal zone.
 - e. Horizontal Zone. The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - f. Obstruction. Any structure, growth or other object, including a mobile object, which exceeds a limited height set forth in Subsection 2 of this section.
 - g. Primary Surface. A surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface of two hundred fifty (250) feet.
 - h. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
 - i. Structure. An object, including a mobile object, constructed or installed by a man, including but not limited to, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.
 - j. Transitional Surfaces. These surfaces extended outward at right angles (90 degree angles) to the runway center line and extension at a slope of seven (7) feet horizontally for each

foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surfaces.

k. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

(3) Airport Height Limitations. Except as otherwise prohibited in this section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limitations herein established for each zone in question as follows;

- a. Approach Zone – APA. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
- b. Transitional Zones- APT. Slopes twenty (20) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation or two hundred twenty (220) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the same elevation as the approach surface and extending to where they intersect the horizontal surface.
- c. Horizontal Zone-APH. Established at one hundred fifty (150) feet above the airport at an elevation of two hundred twenty (220) feet above mean sea level.
- d. Conical Zone – APC. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to an elevation of five hundred forty-four (544) feet above mean sea level.

(3) Use Restrictions. Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and air craft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport;

(4) Nonconforming uses.

- e. Regulations not retroactive. The regulations prescribed by this section shall not be construed to require the removal, lowering or other change alteration of any structure or tree not conforming to the regulations as of the effective date of this section or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section, and is diligently pursued.
- f. Obstruction- Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon such markers and lights shall be deemed necessary by the city of Moncks Corner to indicate to the operators of aircraft in the vicinity

of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of Berkeley County.

- (5) Permits. The zoning administrator shall not issue a zoning permit within an “APA,” “APH,” “APT,” and “APC” area until it has been determined that the proposal upon which he is requested to act is in compliance with the terms of these regulations.

g. Future Uses. Except as specifically provided in a, b and c hereunder, no material changes shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit it to indicate the purpose for which the permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with the Subsection d below.

- (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less that seventy-five (75) feet vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than forty-two hundred (4,200) feet from each end f the runway, no permit shall be required for any tree of structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, would extend above the elevation prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions, shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree a greater hazard to air navigation than it was on the effective data of this section or any amendments thereto or than it is when the application for such a permit shall be granted.

(A) Exciting Uses no permit shall be granted that would allow the establishment or creation of an obstruction or permit nonconforming use, structure or tree to become a greater hazard to air navigation than it is when the application for such a permit shall be granted.

(B) Nonconforming uses Abandoned or Destroyed Whenever the zoning administrator determines that a nonconforming tree or structure has been abandoned or more than seventy-five (75) percent torn down, physically deteriorated or decayed , no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(C) Variance. Any person desiring to erect or increase the height of any structure, or permit the growth of a tree to use of property in accordance with the regulations prescribed in this section may apply to the board of appeals for a variance form such regulations.

The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation

of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this section. Additionally, no application for variance to the requirements of this section may be considered by the board of appeals unless a copy of this application has been furnished to the Airport Manager does not respond to the application within fifteen(15) days after the receipt, the board of appeals may act on its own to grant or deny said application.

- (D) Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to evaluate the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain , at the owner's expense, such marking and lights as may be necessary. If deemed property by the board of appeals, this condition may be modified to require the owner to permit Berkeley County, at its own expense, to install, operate and maintain the necessary markings and lights.

SECTION 7-15 FW AND FP FLOOD PROTECTION AREAS.

The "FW" and "FP" designations are not intended to be utilized as district classifications, but as designations that identify areas subject to regulations, which are supplementary to the regulations of the district to which such designations are attached, appended or "overlaid". Regulations, which apply to areas, designated on the zoning maps as being within such appended or overlaid designations must be determined by joint reference to the regulations of both the basic district classification and the appended or overlay classification.

1. Definitions of the terms used in this section can be found in Section 2.2.

- (a) Regulation of Floodway Areas.
- (b) Designation. Areas classified as "floodway" areas are designed by the notation "-FW" appended to a district classification on the zoning map.
 - a. Filling. Filling of floodway areas, dumping of salvaged or scrap material or other placing of material or obstructions within a floodway area in such a manner as to impede free flow of water during time of flood or in such a manner that the elevation of flood waters will be increased is prohibited.
 - b. Permitted Uses. The following shall be permitted in areas designated -FW, but only if such uses are permitted within the basic district to which such designations is appended and excluding buildings in connection with such uses:
 - (1) agricultural and horticultural uses, plant nurseries;
 - (2) parking and loading areas

- (3) open-air uses, generally accessory to residential use such as lawns, gardens, play areas and parking areas;
- (4) recreational uses which are primarily open-air uses and which do not offer substantial impediment to water flow, such as swimming areas. Beaches, boat launching ramps, lifeguard stations, parks, playgrounds, playfields, picnic grounds, wildlife or nature preserves, hiking trails, horseback riding trails, golf courses, driving ranges, archery ranges and tennis courts.
- (5) airport runways, landing strips; and
- (6) streets, bridges, overhead utility lines, storm drainage facilities, sewerage lines, waste treatment plant outlets, and water supply intake structures

c. Permissible Special Exceptions. After public notice and hearing, and subject to appropriate conditions and safeguards, the Zoning Board of Appeals may permit certain special exceptions as enumerated below. However, prior to granting such special exceptions, applications for such special exceptions shall be reviewed by a registered professional civil engineer as set forth in Subsection 4 below, and the findings and recommendations of the engineer shall be permitted as special exceptions in the basic district to which the -FW designation is appended, and that building in connection with such uses as prohibited:

- (1) circuses, carnivals and other similar transient amusement enterprises;
- (2) parking areas for drive-in theaters;
- (3) new and used car sales lots
- (4) open mining, extraction of sand, clay, gravel, minerals, ores and the like;
- (5) marinas, boat rentals;
- (6) railroads;
- (7) utilities transmission lines not permitted under “Permitted Uses” above;
- (8) docks, piers, wharves, bulkheads and similar structures not connected with or in addition to uses permitted under “Permitted Uses”
- (9) eating, drinking, amusement and recreational uses located in floating structures.

d. Other Dimensional and Use Regulations. Permitted accessory structures, prohibited uses and structures, minimum lot area, minimum lot width, minimum yard requirements, maximum lot coverage, maximum height of structures, minimum off-street parking and loading and regulations of signs shall be as provided for the basic district to which the -FW designation is appended, unless a greater requirement is placed upon such dimensions and characteristics of use by this section.

3. Regulation of Floodplain Areas

- a. Designation. Areas classified “floodplain” areas are designated by the notation “-FP” appended to a district classification on the zoning map.
- b. Filling, Elevation on Pilings or Flood proofing Required. All structures hereafter erected within areas designated as floodplain areas shall be protected from flood hazards as follows:
 - (1) Filling. Acceptable protection may be filling of building sites to an elevation of not less than one (1) foot above the regulatory flood level as established by the Corps of Engineers, with such elevation extending not less than twenty-five (25) feet outward from the base of the structure. This method of protection as described herein is referred to below as “filling” or “on fill” and such terms include the specifications given above.

(2)Elevation on Pilings. Acceptable protection may be accomplished by erecting structures on pilings or other structural members such that the floor level of the structure is not less than two (2) feet above the regulatory flood protection elevation established by the Corps of Engineers, and such that service facilities such as electrical circuits, and installed electrical appliances are not less than one (1) foot above the regulatory flood level.

(3)Flood proofing. Acceptable protection may be accomplished by flood proofing following such methods as approved by the building code as generally set forth in Subsection 4 h below.

c. Review by Registered Professional Civil Engineer. All applications for zoning permits for uses permitted with –FP areas shall be reviewed at the expense of the applicant by a Registered Professional Civil Engineer before the zoning administrator may issue zoning permits or before the board of appeals may grant a special exception.

d. Permitted Use. Any use permitted outright or permitted as an accessory use in the basic district to which the –FP designation is appended, provided that such uses are located on fill or are elevated on pilings.

e. Permissible Special Exceptions.

(1) Any use which is permitted outright or permitted as an accessory use in the basic district to which –FP designation is appended if such uses are not located on fill and are not elevated on pilings, but provided that such uses if not otherwise protected shall be flood proofed.

(2) Any use which is permitted as a special exception in the basic district to which the –FP designation is appended, provided that such uses shall be either on fill, elevated on pilings or flood proofed.

4. Review by Registered Professional Civil Engineer.

a. Review Required. As provided above, the following required review and certification at the expense of the applicant by a Registered Professional Civil Engineer of findings to either the zoning administrator or the board of appeals as appropriate:

- (1) all special exceptions within –FW areas;
- (2) all uses permissible in –FP areas; and
- (3) all special exceptions in –FP areas.

b. General Consideration of Review. When reviewing applications for filling permits, zoning permits and special exceptions, the registered professional civil engineer should take into account the following considerations and review the following factors:

- (1) No structure, storage of materials or equipment, filling or other use should be approved which, acting alone or in combination with existing or future uses will significantly increase the hazard of flood damage to other land or property;
- (2) The danger of life and property due to increased flood heights or velocity or erosion damage;
- (3) The danger that materials may be swept into lands to the injury of others;
- (4) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
- (5) The relationship of the proposed use to the floodplain management program for the area;

- (6) The safety of access to the property in times of flood for ordinary and emergency vehicles; and
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

c. Filling, Grading, Excavating or Dredging. When reviewing applications for actions including filling, grading, excavating or dredging, the following considerations should be reviewed.

- (1) The proposed activity should be permitted only if it will not seriously disturb or interfere with natural drainage and will not significantly increase the elevation of floodwaters.
- (2) The engineer may submit information relating to topographic, engineering, geologic or hydrologic features to determine the nature, strength and distribution of existing and proposed soils and the adequacy of design criteria.
- (3) The engineer may recommend or attach conditions to the approval of applications pertaining to final slope and grade, period of ground cover removal, bulk heading, and construction of retaining walls, rip-rapping, landscaping, drainage facilities, reconstruction of natural storm drainage features and other matters.
- (4) Fill used for building sites should consist of sand, gravel or other sand foundation materials, which will retain its structural bearing capacity under saturated conditions. Silts, very fine sands, clays, peat and other high organic soils subject to compaction or erosion should not be used. Where mud, peat or silt is not removed before placement of fill, additional fill should be required to protect against settlement. Where water erosion is likely to occur, fill should be protected by bulkheads, rip-rap, planting of vegetation or other protective measures.

d. Flood Control Works. When reviewing applications for actions relating to the construction of flood controls or erosion control structures, the engineer should consider the following factors, among others:

- (1) All work should be designed to provide a degree of protection consistent with the intended use of the property;
 1. No work should be permitted which will damage the subject or adjoining properties; and
 2. Fill and other material subject to flood or erosion should be protected as described in 4 c (4) above.

e. Buildings. When reviewing applications for actions relating to buildings, the engineer should consider the following factors, among others:

- (1) Building should be designed with low flood damage potential.
- (2) Buildings should be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (3) Structures should be firmly anchored to prevent flotation, which may result in damage to other structures.
- (4) Service facilities such as electrical equipment, circuits, heating and cooling equipment, and appliances should be constructed above the regulatory flood protection elevation for the particular area or should be flood proofed.

- f. Storage of Materials and Equipment. When reviewing applications for action relating to the storage of materials and equipment, the engineer should consider the following factors, among others:
- (1) The storage or processing of materials that in time of flooding are flammable, explosive, or similarly hazardous or injurious should be prohibited.
 - (2) Other materials, or equipment stored in areas subject to flooding should not be subject to major damage by flooding and should be firmly anchored to prevent flotation or readily removable from the area within the time normally available after flood warning.
- g. Application of Flood proofing Measures. When reviewing applications for actions relating to the flood proofing of structures, the engineer should consider the following factors, among others:
- (1) Structural flood proofing should not ordinarily be allowed for residences.
 - (2) Structural flood proofing of non-residential structures should be considered as acceptable flood protection only when it appears that construction of buildings on fill or elevation of buildings on pilings is impractical.
- h. Enumeration of Flood proofing Measures. The following measures are considered as appropriate to flood proofing and these and other measures should be considered by the engineer when reviewing applications for actions related to flood proofing. These measures should be designed to be consistent with the regulatory flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces and other factors associated with the regulatory flood;
- (1) anchorage to resist flotation and lateral movement;
 - (2) installation of watertight doors, bulkheads and shutters or similar methods of construction to protect against water damage;
 - (3) reinforcement of walls to resist water pressures;
 - (4) use of paints, membranes or mortars to reduce seepage of water through walls;
 - (5) addition of mass or weight to structures to resist flotation;
 - (6) installation of pumps to lower water levels in structures;
 - (7) construction of water supply and waste systems so as to prevent the entrance of flood waters;
 - (8) pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures;
 - (9) construction to resist rupture or collapse caused by water pressure or floating debris;
 - (10) installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back up of sewage and storm waters into the buildings' structures. Gravity drainage of basements may be eliminated by mechanical devices;
 - (11) location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood; and
 - (12) location of any structural storage facilities for chemical, explosives buoyant materials, flammable liquids or other toxic materials which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately flood proofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.

- i. Result of the Registered Professional Civil Engineer to the Zoning Administrator or Board of Appeals. Upon completion of review of applications for zoning permits or special exceptions, the engineer shall certify his findings to the zoning administrator or board of appeals as appropriate. The design requirements of the engineer shall be binding upon the zoning administrator and upon the board of appeals.

SECTION 7-16 –BUFFER YARD REQUIREMENTS

1. Purpose and Definition of Buffer Yards. The buffer yard is a unit of yard together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each buffer yard required by this ordinance are designed to ameliorate impacts between adjacent land uses or between a land use and a public road. The planting units required of buffer yards have been calculated to insure that they do, in fact, function to “buffer”.
Buffer yards shall be required to eliminate or minimize potential impacts such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger of fires or explosions.
2. Location of Buffer Yards. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing public or private street or right-of-way. Buffer yards shall be required in all zoning districts.
3. Determination of Buffer Yard Requirements. To determine the buffer yard required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:
 - a. Identify the proposed land use.
 - b. Identify the use of land adjacent to the proposed use.
 - c. Determine the buffer yard required on each boundary (or segment thereof) of the subject parcel by referring to the following table of buffer yard requirements, and illustrations which specify the buffer yard required between streets and adjacent land uses.
 - d. Any of the several options contained in the illustrations shall satisfy the requirement of buffering between adjacent land uses and streets.
4. Buffer Yard, Change of Use. When a building or use of land is changed to a more intense use, the buffer yard shall be increased if necessary to meet the requirements for buffer yards between the new use and existing adjacent uses.
5. Buffer Yard Specifications. The following illustrations graphically indicate the specifications of each buffer yard (see Illustrations A-G). The requirements are stated in terms of the width of the buffer yard and the number of plants required per 100 feet of buffer yard. The requirements of a buffer yard may be satisfied by any one of the options illustrated. The “plant unit multiplier” is a factor by which the basic number of plant materials required for a given buffer yard is determined given a change in the width of that yard. The type and quality of plant materials required by each buffer yard and each buffer yard option are specified by the following illustrations. Each illustration depicts the total buffer yard located between two uses. Whenever a wall, fence or berm is required within a buffer yard, these are shown as “structures” in the following illustrations wherein their respective specifications are also shown.

- a. The exact placement of required plants and structure shall be the decision of the developer except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.
 - b. All buffer yard areas shall be seeded with lawn grass or suitable ground cover.
6. Buffer Yards Substitutions. The following plant material substitutions shall satisfy the requirements of this ordinance.
 - a. Evergreen canopy or evergreen understory trees may be substituted as follows;
 - (1) In the case of deciduous canopy forest trees, up to a maximum of fifty (50) percent of the total number of canopy trees otherwise required;
 - (2) Evergreen canopy or evergreen understory trees may be substituted for deciduous understory trees and deciduous shrubs, without limitations.
 - b. In all buffer yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
 - c. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
 - d. Structures, where required, may be substituted with approval of the zoning administrator.
7. Use of Buffer Yards. A buffer yard may be used for passive recreation, however, no plant material may be removed.
8. Buffer Yard Part of Required Yards. Where front, side and rear yards are required by this ordinance, buffer yards may be established within such required yards.
9. Plant Material Specifications. The following list of plants shall be used to satisfy the requirements of this ordinance. These plants are intended to be a guide and others may be allowed upon the determination of the zoning administrator, or his designated representative, that the substitution will produce the desired screening.
10. Minimum Plant Size. Unless otherwise specifically indicated elsewhere in this ordinance, all plant materials shall meet the following minimum size standards:

PLANT MATERIAL TYPE	PLANTING IN BUFFERING ABUTTING VACANT LANDS	ALL OTHER PLANTING
Canopy Tree		
Single Stem	2 inch caliper	2 ½ inch caliper
Multi-Stem	6 feet (height)	10 feet (height)
Understory Tree	4 feet (height)	1 ½ inch (caliper)
Evergreen Tree	3 feet (height)	5 feet (height)
Shrub		
Deciduous	15 inches (height)	24 inches (height)
Evergreen	12 inches (height)	18 inches (height)

11. Requirements for Maintaining Buffers.

- a. Responsibility. The responsibility for maintenance of a required buffer, to include fences, shall remain with the owner of the property. Maintenance is required in order to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisance and/or conflict. The owner shall be responsible for installing live, healthy plants. Replacement plants shall be provided for any required plants that die or are removed.
- b. Maintenance. Maintenance shall consist of mowing, removal of litter, removal of dead plant materials, and necessary pruning. Natural watercourses within a buffer shall be maintained as free-flowing and free of debris. Stream channels shall be maintained so as not to alter floodplain areas.

Water shall be supplied to each individual planting area.

Where pedestrian or bicycle trails are allowed within a buffer, these trails shall be maintained to provide for their safe use. Such maintenance shall include pruning of plants to remove obstructions, removal of dead plant materials, litter, or other hazards.

- c. Failure to Maintain. Failure to maintain a buffer shall be considered violation of the zoning ordinance.

SECTION 7-17 – HEAVY DUTY COMMERCIAL VEHICLE PARKING

Heavy duty commercial trucks shall be prohibited from parking in Residential Zone Districts R-1, R-2, R-3, PD-R, and in the TD, Transitional District, whether on-street or off-street on private property, public property, or public right-of-way except when said trucks are being used during normal business hours to make deliveries or perform service. The types of trucks specifically prohibited are: tractor-trailers; truck tractors; trailers only; box trucks; stake trucks; flat-bed trucks; tank trucks including those with and without DHEC identification numbers; dump trucks; concrete mixers; trucks equipped for hauling shipping containers; shipping containers; timber; rocks; dirt; logs; wood chips; automobiles, and boats; and any other type of truck with eight or more wheels.

ARTICLE EIGHT TREE PROTECTION

SECTION 8-1 – GENERALLY

Authority and purpose.

Pursuant to authority conferred by S.C. Code 1976, § 6-7-710, as amended, the citizens of Moncks Corner, having recognized the importance of preserving the natural landscape through the protection of existing trees, and to promote the public health, safety and general welfare, to lessen air pollution, to increase dust filtration, to reduce noise, heat, to prevent soil erosion, to improve surface drainage and minimize flooding, to insure that noise, glare and other distractions of movement in one area do not adversely affect activity within other adjacent areas, to beautify and enhance improved and undeveloped land, to preserve and protect both the natural and historic amenities within the town, to insure that excessive tree cutting does not

reduce property values, and to minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters, the town council does hereby ordain and enact into law the following provisions of this article.

- (a) The intent of this article is to encourage the protection and replacement of trees consistent with the economic and healthful enjoyment of private property. The intent is not punitive, or to cause hardship to any individual, private firm, or public agency who uses every care and diligence to protect trees within the town.
- (b) Nothing included in the provisions of this article is intended to prohibit agriculture, silviculture, horticulture or nursery operations within the city.

Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them.

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural and words used in the plural include the singular.
- (3) The word "shall" is mandatory and not merely discretionary.
- (4) *Diameter-at-breast-height (DBH)*. Diameter-at-breast-height is the standard measure of tree size, and is a tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, then each trunk is measured as a separate tree. A tree which splits into multiple trunks above four and one-half feet is measured as a single tree at four and one-half feet.
- (5) *Grand tree*. A tree 24 inches or greater DBH.
- (6) *P. & Z.C.*. The Moncks Corner Planning and Zoning Commission.
- (7) *Protected tree*. A tree six inches or greater a DBH.
- (8) *Removal of trees*. Any intentional or negligent act which will cause a tree to decline and die, including but not limited to, cutting, damage inflicted upon the root system of a tree by application of toxic substances, the operation of machinery, the change of natural grade by excavation or filling about the root system or around the trunk of a tree, and damages from injury or fire inflicted on trees which result or permit pest infestation.
- (9) *Tree*. Any self supporting woody plant usually having a single trunk and a potential DBH of two or more inches.

SECTION 8-2 – TREE PROTECTION

The regulations set forth herein shall apply to all real property within the limits of Moncks Corner, subject to the following exceptions:

- (1) *Commercial timber operations*. Commercial timber operations shall be exempt from the provisions of this article. The town encourages the retention of a 50-foot buffer of existing trees adjacent to all public rights-of-way.
- (2) *Wetlands mitigation*. The mitigation of wetlands pursuant to a development order or approved plan from, and the requirements of, the South Carolina Coastal Council or the Army Corps of Engineers shall be exempt from the provisions of this article.
- (3) *Commercial tree operation exemption*. Trees grown specifically for sale by commercial nurseries are exempt from the provisions of this article.

- (4) *Agricultural exemption.* Any bona fide agricultural use shall be exempt from the provisions of this article.
- (5) *Utility companies, electric suppliers and governmental agencies.* Utility companies, electric suppliers and governmental agencies in the course of constructing or maintaining easements for water, sewer, electricity, gas, drainage, telephone or television transmission or rights-of-way only shall be exempt from the provisions of this article if the applicable company, supplier or agency has executed an agreement with the town which, at a minimum:
 - a. Recognizes the need to minimize trimming of grand trees which do not frustrate or substantially interfere with the intended purpose of construction or maintenance;
 - b. Establishes, to the extent feasible, design guidelines for construction and maintenance which identifies the saving of grand trees as a factor to be considered in the design process;
 - c. Allows for a consultation process with the town prior to the commencement of major construction or maintenance or the removal of grand trees; and
 - d. Provides that a breach of such agreement constitutes a violation of this article and a loss of exemption from the requirements of this article.
- (6) All zoning designations are subject to the tree protection regulations

Tree removal prohibited.

- (a) No person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any trees in excess of six inches diameter breast height without approval under provisions of this article as specified.
- (b) This article shall not restrict the ability of the Town of Moncks Corner, public utilities, and electric suppliers from maintaining safe clearance around utility lines.

Tree protection; application and scope.

- (a) All persons desiring to remove any protected trees shall first apply for a tree removal permit in the office of the administrator. For properties already developed and/or not requiring a building permit or plan approval, an application shall be developed by the administrator and require as a minimum the following: the name of owner, the address of the property, the name of the proposed contractor and a sketch of the lot layout showing the location of the protected trees desired to be removed. These trees should also be visibly marked for inspection.
- (b) Application for a building permit, site plan or subdivision plan where protected trees are proposed to be removed shall require the submission of a site plan or plat which includes:
 - (1) A overlay at the same scale as the site plan or plat showing the location of any grand trees;
 - (2) Designation of any grand trees to be saved and those to be removed or relocated;
 - (3) Limits of areas proposed to be cleared for proposed structures, improvements, rights-of-way and easements;
 - (4) A statement of how grand trees located in the development area are to be protected during development.

General standards for removal and retention.

It is the desire of Moncks Corner Town Council to preserve existing trees to the greatest extent possible. Permits for removal of protected trees may be approved and issued where one or more of the following conditions are deemed to exist by either the administrator or Moncks Corner Town Council:

- (1) Trees are diseased, dead or dying;
- (2) Trees pose a safety hazard to nearby buildings, utility lines, or pedestrian or vehicular traffic;

- (3) Trees prevent essential grade changes or all reasonable utility installations;
- (4) Trees prevent all reasonable site configurations;
- (5) Removal of trees is the only reasonable means by which building, zoning, subdivision, health, public safety, or other town requirements can be met;
- (6) Trees are located on the construction site and up to five feet around the perimeter of the construction site of an approved building and related driveway/parking area;
- (7) The lot is of such density with existing trees that the removal of certain protected trees is considered beneficial;
- (8) Removal of trees has otherwise been approved by Town Council.
 - (a) Grand trees may only be removed when approved by action of a majority of Town Council.
 - (b) The approving authority may require tree replacement as a condition of approval. Where replacement trees are required in fulfillment of the requirements of this section, they shall be no smaller than two and one-half inches DBH. Moncks Corner Town Council is empowered to require trees of larger DBH or a greater number of replacement trees as determined appropriate for site specific conditions and the circumstances

Permits

The approved tree permit shall be posted in a visible place on the site throughout any tree removal activities.

Tree protection during development.

Protective barricades shall be placed around all grand trees in or near development areas, as determined by the Administrator or designee, prior to the start of development activities. These barricades, constructed of wood or plastic fencing or other approved materials shall be erected in accordance with standards provided by the administrator or designee and shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, fill, or other construction debris, vehicles, and development activities. Paved areas shall be separated from trees by a minimum distance deemed necessary to protect the tree's root system, as determined by the administrator or designee. The administrator is granted authority to develop administrative guidelines for these purposes.

Emergency conditions.

- (a) In the event that any tree shall be determined to be in hazardous or dangerous condition so as to endanger the public health, safety, or welfare, and requires immediate removal without delay, written authorization shall be given by the administrator or his designee and the tree removed.
- (b) During the period of an emergency, such as a tornado, hurricane, ice storm, flood or any other act of nature, the requirements of this article may be waived by the mayor or his assignee for a maximum of 30 days after which town council shall review the emergency waiver and may extend it for a maximum of an additional 30 days. In such case, the cutting and removal of felled trees shall be permitted.

Review of decision.

Any applicant aggrieved by a decision of the administrator may demand the application be submitted to the Moncks Corner Town Council for review at its next regularly scheduled meeting.

Violations and penalties.

- (a) Should violations be detected in progress, the administrator or his designee, or any town law enforcement official is authorized to require that all tree removal activity cease immediately subject to arrest by an authorized law enforcement official.
- (b) The issuance of a tree removal permit and the failure to substantially erect the building or physical improvement which necessitated the permit within six months combined with the removal of trees in the area of the proposed building or improvements shall be deemed as a violation of this article. Misrepresentation on the tree removal application shall also be deemed as a violation of this article.
- (c) Should violations be noted during the course of a project or at final inspection, the administrator shall take appropriate actions, including, but not limited to, requiring: replacement of illegally removed trees; replacement of protected trees which are damaged, diseased, dying or dead; remedial actions to protect trees during construction; revocation of zoning permits; and denial of certificates of occupancy. Provided, however, that the administrator or any town official or committee shall not be required to require any appropriate action to provide a remedy to any violation.
- (d) Violation of this article or failure to comply with any of the requirements hereof unless remedied by actions and within the time frame prescribed by the administrator shall be classified as a misdemeanor punishable by a maximum \$200.00 fine, and/or a maximum of 30 days imprisonment. In addition, the person committing the violation may be required to replace the tree with a size and species recommended to the municipal judge by the administrator. Each tree removed or destroyed in violation of this article represents a separate offense. Any person, firm, organization, society, association or corporation, or any agent or representative thereof who commits, participates, or assists in such violations may each be found guilty of a separate offense and suffer the penalties herein provided.

Legality of article and parts thereof.

Should any section, clause or provision of this article be declared by the courts to be invalid, the same shall not affect the validity of the article as a whole, or parts thereof, other than the part so declared to be invalid.

ARTICLE NINE HOME OCCUPATIONS

SECTION 9-1-HOME OCCUPATIONS

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following provisions; provided however, contractor offices, barber shops, and beauty shops are classified as special exceptions which must be approved by the zoning board of appeals.

- 1. No one other than members of a family residing on the premises shall be engaged in the occupation.
- 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- 3. There shall be no sign or change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation to include the parking of more than one commercial vehicle on the premises.
- 4. The home occupation shall be conducted only within the principal structure.

5. There shall be no sales of merchandise on the premises in connection with the home occupation.
6. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street and other than in a required front yard.
7. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
8. No outdoor storage shall be allowed in connection with any home occupation.

ARTICLE TEN ADMINISTRATION, ENFORCEMENT, AND PENALTIES

SECTION 10-1 – RESPONSIBILITY FOR ADMINISTRATION

1. A Zoning Administrator shall administer and enforce this ordinance. It is the intent of this ordinance that all questions of administration and enforcement shall first be presented to the Zoning Administrator and enforcement shall first be presented to the zoning administrator and that such questions shall be presented to the board of appeals only upon reference by, or appeal from, the Zoning Administrator, and that recourse from the decisions of the board of appeals shall be to the courts as provided by law.

- (a) It is further the intent of this ordinance that the function of the Town Council under this ordinance shall not include hearing and deciding questions of interpretation and enforcement which may arise, but that the Town Council shall have only the responsibility for acting on proposals for amendment or repeal of this ordinance, and for establishing a schedule of fees and charges as herein provided.

SECTION 10-2 – DUTIES OF THE ZONING ADMINISTRATOR

The duties of the zoning administrator shall include:

1. Interpretation of the terms and provisions of this ordinance;
2. Administration of the provisions of this ordinance relating to zoning permits and certificates;
3. Administration of provisions of this ordinance relating to applications for special exceptions, variances, appeals from an administrative decision and other actions before the zoning board of appeals.
4. Administration of provisions of this ordinance relating to applications for zoning amendments and giving notice of hearings on such amendment requests as specified herein;
5. The receipt of complaints from persons who allege that violations of this ordinance have occurred, to properly investigate or cause to be investigated such complaints, and to initiate or cause to be initiated action to prevent, enjoin, abate, or remove such violations;
6. The maintenance of the official copy of the zoning map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of this ordinance; and
7. Other such duties as may properly relate to the accomplishment of the spirit and intent of this ordinance.

SECTION 10-3 – ZONING PERMITS

1. Zoning Permits Required. No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit therefore issued by the Zoning Administrator. A zoning permit shall not be issued by the Zoning Administrator except in conformity with the provisions of this ordinance, unless he receives a written order from the board of appeals in the form of an interpretation involving error or a special exception or variance. If the permit is denied, reasons shall be stated for the denial.
2. Applications for Zoning Permits. All applications for zoning permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of all buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application or plans shall include such other information as lawfully may be required by the zoning administrator, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units and building is designed to accommodate; conditions existing on the lot and on nearby lots; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance. One (1) copy of the plans shall be returned to the applicant by the administrative official; after he shall have marked the copy either as approved or disapproved and attested to same by his signature on the copy.
3. Expiration of Zoning Permit. If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, or in the case of a special exception, within the time limit established therefore, the permit shall expire and be automatically cancelled.
If the work described in any zoning permit has not been substantially completed within one (1) year of the date of issuance thereof said permit shall automatically expire, except as follows:
 - a. In the case of a special exception, work shall be substantially completed within the time limit established therefore by the zoning board of appeals; or
 - b. In the case of work, which may reasonably be expected to require more than one (1) year of completion, the zoning administrator may specify a time limit in excess of one (1) year at the time of original issuance of the zoning permit.
4. No renovated, new or used structure may be occupied or used until the Zoning Administrator has approved a certificate of zoning compliance.

SECTION 10-4 – CERTIFICATES OF ZONING COMPLIANCE.

1. Certificates of Zoning Compliance to be issued. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Administrator stating that the building or proposed use of the building or land conforms to the requirements of this ordinance.
2. Certificates may be issued for Nonconforming Uses. Upon enactment or amendment of this ordinance, owners or occupants of uses made nonconforming shall apply for certificates of zoning compliance for the purpose of establishment of vested interest in those nonconforming uses, and the zoning proof that the nonconformity was in existence at the time of such enactment or amendment

and certificates of zoning compliance issued upon such applications shall state specifically wherein the nonconforming use differs from the requirements of this ordinance.

SECTION 10-5 – CONSTRUCTION AND USE TO BE AS APPROVED

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the zoning administrator and other officials or agencies where additional approval is required authorize only the use, arrangement, location set forth in the approved plans and applications, and no other use, arrangement, location or construction. Use, arrangement, location or construction at variance with that authorized shall be deemed violations of this ordinance, punishable as provided herein.

SECTION 10-6 – SCHEDULE OF FEES AND CHARGES

1. The Town Council may establish a schedule of fees and charges, and a collection procedure, for zoning permits, certificates of zoning compliance, appeals, amendments, and other matters pertaining to these regulations. This schedule of fees and charges, if established, shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Town Council, provided however, that such fees and charges shall not be levied against the Town Council, the Planning Commission, the Zoning Administrator, or any department or agency of the town.
2. No permit, certificate, special exception, or variance shall be issued or granted unless and until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proposed amendments or on proceedings before the board of appeals unless and until applicable charges and fees have been paid in full.

SECTION 10-7 –VIOLATION

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall in writing notify the owner or tenant of the property, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions.

SECTION 10-8 – COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file verbal complaint. The complaint stating fully the causes and basis thereof, shall be filed with the zoning administrator. He shall record the complaint properly, investigate promptly, and take action thereon as provided by this ordinance.

SECTION 10-9 – REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, maintained or used or any land is used in violation of this ordinance, or regulations in furtherance hereof, the city council, city attorney, Zoning Administrator, or any person aggrieved may, in addition to other remedies provided by

law, institute injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

SECTION 10-10 – PENALTIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any structure or land is used in violation of this ordinance; or the violation of any condition or requirement in connection with special exceptions, variances, or rezoning's under the terms of this ordinance, that violation shall constitute a misdemeanor. Violation of this ordinance or failure to comply with any of the requirements hereof shall be a misdemeanor. Each day such violation continues after due notice to discontinue that violation shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, surveyor, builder, engineer, contractor, agent, or other person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE ELEVEN BOARD OF APPEALS

SECTION 11-1 – PROCEDURES OF THE BOARD OF ZONING APPEALS (BZA).

1. **Establishment and Membership.** A board of appeals is hereby established which shall consist of five (5) members appointed by city council, a majority of which shall constitute a quorum. The members shall be appointed for staggered terms of three (3) years and until successors are appointed and qualified. Members may be removed by city council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. None of the members shall hold any other public office or position in the city.
2. **Proceedings.** The board shall elect one of its members chairman, who shall serve for one year or until he is re-elected or his successor is elected and qualified. The Zoning Administrator shall serve as the secretary of the BZA. The board shall adopt rules of procedure in accordance with the provisions of this ordinance and state law. Meetings of the board must be held at the call of the chairman and at such other times as the board may determine. Public notice of all meetings of the BZA shall be provided by publication in a newspaper of general circulation in the municipality. In cases involving variances or special exceptions conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abut the property. The chairman or, in his or her absence, the acting chairman may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board and must be a public record.

SECTION 11-2 – POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.

The BZA has the following powers:

1. Administration Review: The board of appeals shall hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance; provided however, such appeals must be taken within thirty (30) days after the order, requirement, decision, or determination which is alleged to be in error is made.
2. Special Exceptions
 - a) Duties of the Board
 1. To permit uses by special exception subject to the terms and conditions for the uses set forth below. Special exceptions may be allowed after determination by the BZA of additional controls required and after the holding of a public hearing. A listed special exception is eligible for location within the subject zoning district if all of the following conditions can be clearly demonstrated to exist:
 - a. The proposed use is consistent with the purpose and intent of the Town's Comprehensive Plan as well as the character and intent of the underlying zoning district;
 - b. The proposed use is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
 - c. Adequate provision is made for such items as setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors;
 - d. Where applicable, the proposed use will be developed in a way that will preserve and incorporate and important natural features;
 - e. The proposed use shall not destroy, create a loss, or cause damage to natural, scenic, or historic features of significant importance;
 - f. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered;
 - g. The proposed use complies with all applicable regulations and development standards of the Town. (*Amend. 10/2015*)
 2. To decide the questions as are involved in determining whether special exceptions should be granted;
 3. To prescribe appropriate conditions and safeguards in conformity with this ordinance;
 4. To deny special exceptions when not in harmony with the intent and purpose of this ordinance.
3. Variance
 - a) Duties of the Board
 1. To hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following finding:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

- b. These conditions do not generally apply to other property in the vicinity;
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
 - i. The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be grounds for a variance.
 - ii. In granting a variance, the board may attach to it such conditions regarding the location, character or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare;

b) Effect of Failure to Meet Condition

- 1. Violation of conditions and safeguards prescribed in conformity with this ordinance when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance, punishable under penalties established herein.
- 2. Failure to begin, or begin and complete an action for which a variance is granted, within the time limit specified, when such time limit is made a part of the terms under which the variance is granted shall void the variance.

- 4. Appeals. Appeals to the board may be taken by any person aggrieved or by the officer, department, board, or bureau of the municipality or county. The appeal must be taken within thirty (30) days by filing with the officer from whom the appeal is taken and with the board of appeals notice of appeal specifying the grounds of it. The officer from whom the appeal is taken immediately shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

- 5. Hearings Notice. The board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give at least fifteen days public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.
- 6. Action on Appeals. In exercising the above power, the board of appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board in the execution

of the duties specified in this ordinance may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

7. Filing of Decisions. All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board, which must be delivered to parties of interest by certified mail.

SECTION 11-3 – CONTEMPT.

In case of contempt by a party, witness, or other person before the BZA, the board may certify this fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

SECTION 11-4 – APPEAL TO CIRCUIT COURT.

A person who may have a substantial interest in any decision of the board of appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the board to the circuit court in and for the county by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board is mailed.

- a. Upon the filing of the appeal, the clerk of the court shall give immediate notice of it to the secretary of the board and within thirty (30) days from the time of the notice the board shall file with the clerk a certified copy of the proceedings held before the board of appeals, including a transcript of the evidence heard before it, if any, and the decision of the board including its findings of fact and conclusions.
- b. The filing of an appeal in the circuit court from a decision of the board shall not ipso facto act as a supersedeas but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.
- c. At the next term of the circuit court or, in chambers, upon ten (10) days' notice to the parties, the presiding judge of the circuit court of the county shall proceed to hear and pass upon the appeal on the certified record of the board proceedings. The findings of fact by the board of appeals shall be treated in the same manner as a finding of fact by a jury and the court may not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter may be remanded to the zoning board of appeals for rehearing. In determining the questions presented by the appeal the court shall determine only whether the decision of the board is correct as a matter of law. In the event that the decision of the board is reversed by the circuit court, the board is charged with the costs, and the costs must be paid by the City of Moncks Corner.
- d. A party at interest who is aggrieved by the judgment rendered by the circuit court upon the appeal may appeal in the same manner as provided by law for appeals from other judgments of the circuit court in law cases.

ARTICLE TWELVE AMENDMENT

SECTION 12-1 – AUTHORITY.

The Town Council may, from time to time, amend any part of the text or map of this ordinance.

SECTION 12-2 – WHO MAY INITIATE AN AMENDMENT.

1. Amendments to the zoning text may be initiated by:
 - a. Adoption of a motion by the planning commission.
 - b. Adoption of a motion by city council.
 - c. The zoning administrator.
2. An amendment to the zoning map may be initiated by:
 - a. Adoption of a motion by the Town Planning Commission.
 - b. Adoption of a motion by Town Council.
 - c. The Zoning Administrator.
 - d. The filing of an application by the property owner or his authorized agent.

SECTION 12-3 – APPLICATION CONTENT.

The application for amendment shall contain at least the following information:

1. Name, address, and phone number of application;
2. Tax map reference (sheet, block, and lot numbers) and street address of property;
3. Proposed amendment to the text or property map reference;
4. Present use;
5. Present zoning district;
6. Proposed zoning;
7. A fee as established by city council; and
8. Signature of the application and/or written certification of authorized agent.

SECTION 12-4 – MINIMUM AREA FOR NEW DISTRICTS.

No request from any individual, corporation, or agency for a change in zoning classification or creation of a separate district shall be considered which involves an area less than two (2) acres, except that the following changes may be made to apply to areas of less than two (2) acres:

1. The extension of existing district boundaries;
2. The addition of C-1 zoning contiguous to existing commercial or industrial zones;

SECTION 12-5 – PLANNING COMMISSION RECOMMENDATION TO TOWN COUNCIL.

Within thirty (30) days from the date that any proposed zoning amendment is referred to it, the Planning Commission shall submit its report and recommendation to Town Council. The recommendation of the Planning Commission shall be advisory only. If the Planning Commission does not submit its report within

the prescribed time, the Town Council may proceed to act on the amendment without further awaiting the recommendations of the Planning Commission.

SECTION 12-6 – ZONING PUBLIC HEARING.

After receipt of the Planning Commission recommendation or after the expiration of the thirty (30) day time limit for a recommendation, the Town Council will schedule a public hearing on zoning amendments.

1. Notice of Public Hearing in Newspaper.
 - a. In scheduling a public hearing for proposed zoning map and text amendments, the Town Council shall publish a notice at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the city.
2. Posting of Property. When a proposed amendment deals with the district classification of particular pieces of property, the Zoning Administrator shall cause to be conspicuously located on or adjacent to the property affected, one (1) hearing notice for every street frontage. Such notice shall be posted at least fifteen (15) days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, and time, date and place of the hearing.

SECTION 12-7 – RECONSIDERATION OF PROPOSED AMENDMENTS.

The Town Council shall not reconsider a proposed amendment that has been denied for a period of one (1) year unless the Planning Commission recommends to the Town Council that the reconsideration be given, after the Planning Commission has found that either (1) there has been a substantial change in the character of the area or (2) evidence or factors or conditions exist which were not considered by the Planning Commission or the Town Council in previous deliberations which might substantially alter the basis upon which the previous determination was reached.

ARTICLE THIRTEEN SIGNS

SECTION 13-1 – SIGNS

General provisions.

- (a) The regulations set forth in this article shall apply and govern in all districts. No sign shall be erected, altered or maintained unless it is in compliance with the regulations of this article.
- (b) A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the department of planning and development.
- (c) All signs must be constructed of durable materials, maintained in good condition and shall not be permitted to become dilapidated or a hazard to the health, safety or general welfare of the community.
- (d) The Zoning Administrator or designated agent shall require the property owner or tenant to remove, replace or repair the sign as is deemed appropriate by the Zoning Administrator.
- (e) The purpose of this section is to provide comprehensive regulations for signs within the town that will eliminate confusing, distracting and unsafe signs, ensure the efficient transfer of information; and, enhance the visual environment of the town. It is declared that the regulation of signs within the town is necessary and in the public interest and also is related to the following goals:
 - (1) To protect property values within the town;

- (2) To protect the general public from damage or injury caused by, or partially attributable to the distractions and obstructions which result from improperly designed or situated signs;
- (3) To provide a pleasing overall environmental setting and community appearance which is deemed vital to tourism and to the continued economic attractiveness of the town;
- (4) To improve the legibility and effectiveness of commercial and governmental signs;
- (5) To allow signs appropriate to the planned character of each zoning district; and
- (6) To promote the public safety, welfare, convenience and enjoyment of the unique historic character of the town.
- (f) Any signs, display or device allowed under this article may contain, in lieu of any other copy, an otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity of service for sale, and that complies with size, lighting and spacing requirements of this article.
- (g) All signs shall comply with existing state and federal laws.

SECTION 13-2 – DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which was erected on property in conjunction with a particular use which has been discontinued for a period of 60 days or more, or a sign the content of which pertains to a time, event or purpose which no longer applies.

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner means any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame or one or more edge. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Building sign means any sign attached to any part of a building, as contrasted to a freestanding sign.

Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Commercial message means any sign wording, logo, other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Flag means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity. Each lot is permitted to have one pole either attached or freestanding containing such flag.

Freestanding sign means any sign supported by structures or supports that are placed on, or anchored in; the ground and that are independent from any building or other structure. Portable signs which fit these criteria are classified as a freestanding sign.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Nonconforming sign means any sign lawfully existing at the adoption or amendment of this chapter may continue in use and be maintained in a proper manner but may not be changed or enlarged unless it is in conformity of all the requirements of this chapter.

Pennant means any lightweight plastic, fabric or other material, whether or not containing a message of any kind suspended from a rope, wire or string, usually in series, designed to move in the wind.

Person means any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Portable sign means any sign which usually rests on the ground on wheels or metal legs, and may be temporarily anchored by cables attached to stakes driven into the ground.

Prohibited signs shall be defined by example as follows:

- (1) No sign displaying intermittent lights resembling the flashing lights customarily used in traffic signals or on police, fire or rescue vehicles is permitted nor shall any sign use the words "stop," "danger" or any other word, phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver.

Permanent moving signs, windblown signs or devices to attract attention, all or part of which move by any means, including fluttering, rotating or otherwise moving devices, set in motion by movement of the atmosphere or by mechanical, electrical or other means, including but not limited to, flags (other than those of government origin and not used for commercial purposes), pennants, posters, propellers, discs, ribbons, streamers, strings of light bulbs, spinners, moving, fluttering or revolving devices, regardless of whether they contain written messages.

(NOTE) In order to allow for existing moving and windblown signs and attraction devices to be used for a reasonable period based on the life expectancy and economic value of such signs and devices, this prohibition shall become effective July 1, 2010;

- (2) Except as provided in this article, no signs, whether temporary or permanent, except traffic signs, signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.

Any sign and/or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction/safety sign

Signs copying or imitating official government signs or which purport to have official government status;

- (3) Signs painted on or attached to trees, fences and telephone or other utility poles or signs painted on rocks or other natural features or painted on the roofs of buildings are prohibited.

Roof Signs. Any sign or sign structure, other than freestanding, any portion of which extends above the parapet, building roofline or canopy against which the sign is located

- (4) Signs which display intermittent or flashing lights or lights of varying degrees of intensity or moving parts, except barber's poles, time/temperature signs and signs erected by a public agency.
- (5) Portable or mobile signs utilizing any type of illumination or electrical connections.

- (6) Signs that identify or advertise a product or business not located at the premises.
- (7) Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
- (8) Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
- (9) Abandoned or dilapidated signs.
- (10) Searchlights and beacons.
- (11) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign. The parking of any vehicle which is not in operating condition or lacking current registration bearing a commercial message in the public view. (This does not apply to allowed portable signs, lettering on buses, taxis or vehicles operating during the normal course of business).
- (12) Inflatable signs and tethered balloons.
- (13) Strings of lights not permanently mounted to rigid background, except those exempt under section 13
- (14) Signs on street furniture (benches, trash cans, etc) except for one sign of less than 64 square inches showing the donor of the item, provided that the item is accepted by the town.
- (15) Portable signs, except those permitted by Section 13
- (16) Signs referencing businesses which have been out of business for more than 30 days.
- (17) Sign structures no longer containing signs;
- (18) Signs which emit audible sound, odor or visible matter;
- (19) Signs violating any provision of any law of the state relative to outdoor advertising;
- (20) Signs made structurally sound by unsightly bracing;
- (21) Snipe signs; any form of leaflets, handbills, posters, flyers, announcements, or any other advertising and informational materials that are tacked, nailed, posted, pasted, glued, stuck in the ground via wire frames or otherwise attached to trees, poles, stakes, fences, buildings, the ground or other objects.
- (22) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way;
- (23) Signs affixed to a private residence or dwelling or displayed upon the grounds thereof, except one personal identification sign not exceeding two square feet and one non-illuminated "for sale" or "for rent" sign not exceeding six square feet.
- (24) Any sign mounted to the roof of any structure.

Projecting sign means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Roof sign, integral, means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sandwich board and pedestal sign means a freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more

panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. (Also known as "A" and "T" stands.)

Sign means any material, structure or device used or located out-of-doors or on the exterior of any building including the exterior of windows for the purpose of displaying, illustrating or directing attention to an advertisement, announcement, notice or name or emblem for the identification of a person, place, object or product.

Sign area means the area of a sign shall be that area which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between elements of such sign. It shall include any material or color forming an integral part of the display or used to differentiate such signs from its background, but shall not include supports. Where two sides of a double-faced sign are not more than 24 inches apart at the widest point, the sign area shall be computed by measuring one face only.

Temporary sign means any sign that is used only temporarily and is not permanently mounted.

Wall sign means any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window sign means any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window glass panes and is visible from the exterior of the window.

SECTION 13-3 – SIGNS FOR WHICH A PERMIT IS NOT REQUIRED

A permit is not required for the following types of signs in any zoning district:

- (1) Traffic, directional, warning or information signs authorized by any public agency.
- (2) Official notices issued by any court, public agency or officer.
- (3) One unlit "for sale," "for rent," or "for lease" sign contained entirely upon the property being advertised not exceeding six square feet in area in residential districts and 32 square feet in other districts.
- (4) One permitted home occupation sign, provided that it is unlit, no larger than one square foot, and mounted against a wall of the principal building.
- (5) Political campaign posters, placards and special event notices, provided such signs do not exceed 320 square inches. Political campaign posters shall not be displayed more than 30 days before an election/primary and all signs are to be removed within seven days after their reason for existence.
- (6) Holiday decorations: Signs or other material temporarily displayed on traditionally accepted civic, patriotic or religious holidays. Containing no commercial message
- (7) Directional signs: Signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four square feet in gross surface area for each exposed face, parking lot directional signs shall not project higher than three feet in height, as measured from the established grade of the parking area.

SECTION 13-4 – REGULATIONS APPLYING TO SPECIFIC TYPES OF SIGNS

The following regulations apply to the following specific types of signs:

- (1) Roof sign: No sign shall extend above the highest point of the exterior walls, or into the roof line.
- (2) Wall signs: Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
 - a. Signs on the front surface of a building: The total area of signs on the exterior front surface of a building shall not exceed eight percent of the front surface of the building.
 - b. Signs on the side and rear surface of a building: The total area of signs on a side or rear surface of a building shall not exceed three percent of the exterior side or rear surface of the building, respectively.
- (3) Portable or mobile signs: Where permitted these signs shall not exceed 32 square feet in an area, must be located on the property to which they refer and meet all code and safety requirements.
- (4) Sign illumination: Illumination devices shall be so placed and so shielded that rays there from or from the sign itself will not be directly cast into any residential district, sleeping room in any district or the eyes of an automobile or vehicular driver.
- (5) Height limitations: Signs located in R-1, R-2, R-3, R-5, PUD and C-1 districts shall be limited to ten feet in height except as otherwise provided in this article. Signs located in C-2 districts shall not exceed the building height limit of the district in which it is located except as otherwise provided in this article. Signs located in PUD districts shall be limited to the specific requirements in height based on the approved plans for the PUD district except as otherwise provided in this article. Signs located in C-2, M-1 and M-2 districts shall follow the regulations specified in section entitled *Signs permitted in C-2, M-1 and M-2 districts*, except as otherwise provided in this article.
- (6) Temporary event signs: The height of temporary event signs in all districts shall follow the section entitled Temporary event signs.
- (7) One unlit "work under construction" sign, not exceeding 32 square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, and the financial, selling and development agencies is permitted upon the premises of any work under construction, alteration or removal. Such sign shall be removed from the site immediately upon completion of the project. In projects requiring building inspection, the final inspection or certificate of occupancy will be withheld until such sign is removed.
- (8) Temporary subdivision signs, not exceeding 32 square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision. Such signs shall be spaced not less than 300 feet apart. They shall be removed when 75 percent of the lots are conveyed or when a permanent subdivision sign is permitted and constructed.

Signs permitted in R-1, R-2, R-3, C-1, and PD districts.

Signs permitted in R-1, R-2, R-3, C-1, and PD districts are as follows:

- (1) Signs requiring no permit as defined in section 12-3
- (2) One illuminated sign at each entrance identifying the name only of a residential subdivision, provided that such sign is no more than 15 square feet in area, and is set back ten (10) feet of the street right-of-way.
- (3) One illuminated sign at each entrance identifying the name only of mobile home parks and subdivisions, provided that such sign is no more than 15 square feet in area and is set back at least ten feet from any street right-of-way.

- (4) One illuminated sign identifying multiple-family group dwellings, provided that such sign is no more than 20 square feet in area, and is set back at least ten feet from any street right-of-way.
- (5) Signs identifying permitted commercial and business uses, provided that such sign is no more than ten square feet in area and illuminated only during hours of operation.
- (6) Signs not exceeding one square foot in area and bearing only property numbers, mailbox numbers or name of occupants on the premises.

Signs permitted in C-2 and M-2 districts.

Signs permitted in C-2 and M-2 districts are as follows:

- (1) All signs which are also permitted in R-1, R-2, R-3, C-1, and PD districts.
- (2) Flat wall signs attached to the surface of any building may not extend more than 12 inches from the wall.
- (3) Projecting signs may extend outward from the wall of a building not more than four feet and no part of any projecting sign shall extend above the roof line of a building or into a public right-of-way.
- (4) One freestanding, two if site is a corner lot, provided that signs are constructed on different sides of the lot that face separate paved public thoroughfares that provide vehicular access, provided that such signs meet the following requirements:
 - a. Front setback: Ten feet for signs from the street right-of-way and in no case be installed within the street right-of-way or project into the vertical plane of the street right-of-way.
 - b. Side and back setbacks: Ten feet or minimum buffer zone, whichever is greater.
 - c. Height: Fifteen feet or maximum height in permitted zone, whichever is less.
 - d. Square footage: Maximum of 50 square feet per sign face
- (5) Any sign which is designed to occupy a space between three and ten feet above ground level shall be located so as not to create a safety hazard by obstructing the vision of pedestrians and motorists entering and exiting the business.
- (6) **Amended October 15, 2013, Ordinance No. 2013-15 (Attached)**
~~Reader boards with changeable letters are not allowed.~~ The following exceptions to the foregoing height and square footage requirements apply when these conditions are met:
 - a. Commercial/industrial/office developments which contain more than four businesses shall be permitted one freestanding sign per entrance but no more than two such signs for the development. Such signs shall not have more than 400 square feet of sign faces. No single sign face shall exceed 150 square feet for developments with one access or 200 square feet for developments with more than one access; provided, however, that should there be more than two entrances to the development, each additional entrance shall be entitled to a sign of up to 200 total square feet of sign faces if each such entrance is 185 feet from a signed entrance. If only one sign is used, it may not exceed 20 feet in height. If such sign is set back 100 feet, then the sign may exceed the 20-foot height maximum one foot for every one foot of setback beyond 100 feet or more, not to exceed 50 feet. If more than one sign is used, each shall not exceed 15 feet in height with a minimum setback of ten feet from the street right-of-way.
 - b. An additional temporary freestanding sign shall be allowed once, and only for 30 days, to advertise the establishment of a new business. This sign can be in addition to any other permitted freestanding sign.
 - c. Signs on awnings and canopies, provided that they are part of the awning or canopy and do not project above, below or beyond the dimensions of the awning or canopy.

Temporary event signs.

Temporary event signs announcing a campaign drive, activity or event of a civic, philanthropic, educational, or religious organization for noncommercial purposes are permitted subject to the following:

- (1) Number, area, height and location: The permitted number, area, height, location and construction of temporary event signs shall be determined by the Zoning Administrator with consideration given to the public safety and the sign reasonably necessary and appropriate for the intended purpose.
- (2) Any temporary event sign which is permitted by the zoning officer to extend over or on to a public right-of-way shall be erected and maintained in such a manner as to not interfere or obstruct access, activity or vision along any such public right-of-way.

Informational signs on public property.

The Zoning Administrator is authorized to permit informational/directional signs on public property under the following conditions:

- (1) The signs direct the reader to the location of a public facility, to a facility operated by a nonprofit entity, to a facility relating to the public health, safety or welfare, to scenic or historical districts, or general business or industrial districts or a subdivision. The Zoning Administrator is authorized to develop written and publicly posted guidelines for these types of signs.
- (2) The signs are erected by the town.
- (3) The entire cost of the signs is borne by the entity requesting the sign.
- (4) The signs are installed at locations where they would not constitute a traffic hazard.

Sandwich boards and pedestal signs.

Sandwich boards and pedestal signs are allowed in the, subject to the following provisions:

- (1) Only one sandwich board or pedestal sign shall be allowed for any single building; provided, however, that where more than one business occupies a building, each business may have a sandwich board or pedestal sign.
- (2) A minimum separation of 20 feet shall be maintained between sandwich boards or pedestal signs.
- (3) Sandwich boards or pedestal signs shall not exceed 24 inches in width and 36 inches in height; provided, however, that a minimum unobstructed sidewalk width of 42 inches shall be maintained.
- (4) No sign shall be placed in a manner which obstructs the clearance vision at a street intersection.
- (5) Sandwich boards or pedestal signs located within a public right-of-way shall be placed within that portion of the public right-of-way which abuts the building containing the business or use, provided that an encroachment permit has been secured from the zoning officer.
- (6) Sandwich boards or pedestal signs placed in the internal area of a shopping center walkway meeting the general criteria in subsections (1)--(5) of this section are permitted without a permit, provided that permission is given by the property owner. Such signs shall not be placed in a manner in which they may be construed to be another freestanding sign advertising to highway traffic.

1. **Outdoor Displays.** Temporary or permanent outdoor placement of inventory intended for immediate sale and used to advertise or promote the interests of any persons when placed in view of the general public, traveling along a public street right-of-way.
 - a. In addition to a freestanding sign, a business may use a display with a valid sign permit. The display must be set ten (10) feet back from the right-of-way and be no more than ten (10)

- feet in height. Multiple displays may be used provided that they conform to the required setbacks and height limitations subject to approval of the Zoning Administrator.
- b. Displays that are not intended for immediate sale and/or do not meet the guidelines of this ordinance will be considered outdoor storage of inventory.
 - c. Temporary Displays are displays that are only used during business operating hours. After business operating hours, temporary displays must be placed indoors or behind a solid six (6) foot stockade fence.
 - d. Permanent Displays are defined as a display that is used during business hours as well as after business hours. Permanent displays may be accompanied, in lieu of the required fencing, by a ten (10) feet wide vegetative strip placed along the right-of-way. The vegetative strip must consist of one tree for every twenty (20) feet of road frontage. Shrubs at a ratio of 3:1 may replace required trees.
 - e. No off-premise displays are allowed
 - f. Permanent and temporary outdoor displays shall meet all other requirements of free standing signs.

Temporary Signs. During any one year period, a business may obtain a permit for a temporary sign structure.

- a. Temporary signs shall be freestanding banners, flags (other than national, state, or local), pennants, fluttering ribbons or other fluttering devices. Mobile signs shall not be classified as a temporary sign.
- b. The permitted copy area of a temporary sign is thirty two (32) square feet. Such temporary sign shall be set back no less than ten (10) feet from any street right-of-way line. The maximum height is ten (10) feet.
- c. A temporary sign may be displayed at various times, but the permit must state the start and end dates of the temporary signage, and not exceed 30 cumulative days in a year.

Other signs forfeited.

Any sign installed or placed on public property, except in conformance with the requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies under this article, the town shall have the right to recover from the owner or person placing a sign the full costs of removal and disposal of such signs.

Violation of this article or failure to comply with any of the requirements hereof unless remedied by actions and within the time frame prescribed by the administrator shall be classified as a misdemeanor punishable by a maximum \$200.00 fine, and/or a maximum of 30 days imprisonment. In addition, each sign displayed or erected in violation of this article represents a separate offense. Any person, firm, organization, society, association or corporation, or any agent or representative thereof who commits, participates, or assists in such violations may each be found guilty of a separate offense and suffer the penalties herein provided.

SECTION 13-5 – ADMINISTRATIVE VARIANCES

The Zoning Administrator is authorized to grant administrative variances upon written application by the landowner for the number, height, setback, square footage or placement of signs in cases where unusual circumstances or a particular hardship which would make a strict interpretation of the ordinance go beyond the intent of the Town Council. Examples of cases where a variance might be granted would be as follows:

- (1) In areas of the town which have unusually large right-of-way areas the setback requirement may be granted a variance as the sign would be a sufficient distance from the pavement without any setback.
- (2) On lots where there is more than one business in separate and distinct buildings and each building could meet the subdivision requirements to be a separate lot, a variance may be granted to treat each building as a separate lot.

The Zoning Administrator, at his discretion, may refer any request for a variance to the BZA, and the applicant may appeal any decision of the Zoning Administrator to the BZAs.

SECTION 13-6 – TEMPORARY USES

It is hereby recognized that certain uses and activities, which might not otherwise be prohibited or identified by this Ordinance, can nevertheless be such that their establishment and operation for a limited period of time would serve the public interest. For the purpose of this Ordinance, such uses are declared to be temporary uses that may be permitted in certain districts upon application to and approval by the Zoning Administrator subject to the following:

- A. The proposed use is of such a nature that at the time of application that it would not exert a detrimental effect upon the use of neighboring properties.
- B. The proposed use will contribute to the general welfare and needs of the Town of Moncks Corner and the general public.
- C. The duration of the proposed use shall not exceed three 30 day periods per year. Periods of temporary use cannot run concurrent and must be separated by at least 30 days of nonuse.
- D. The Temporary Use complies with the requirements of the Code of Ordinances of the Town of Moncks Corner and all other government entities.

****Any use that is or may become obnoxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise or that is detrimental or injurious to the public health, safety or welfare or used for any purpose that constitutes unusual public hazard due to fire, explosion or any other similar cause may be curtailed immediately by the Building Official or the Zoning Administrator.****

LEGAL STATUS

INTERPRETATION AND VALIDITY.

Should any section or provision of this ordinance or application of a provision under this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof, other than the part or application so declared to be unconstitutional or invalid.

REPEAL OF PREVIOUS ZONING ORDINANCE.

This Zoning Ordinance of the Town of Moncks Corner, South Carolina does hereby repeal any previous zoning ordinances.

EFFECTIVE DATE.

The ordinance shall be in full force and effect from and after October 16, 2012.

Adopted and Approved this the 16th day of October, 2012

William W. Peagler, III, Mayor

Attest:

Town Council:

Marilyn M. Baker, Clerk-Treasurer

Approved As To Form:

John S. West, Town Attorney

First Reading By Title Only:

April 19, 2011

Second Reading and Public Hearing:

October 16th, 2012

